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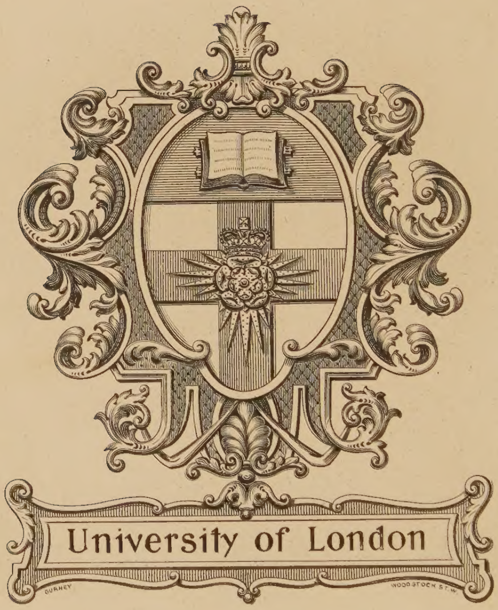
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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

16° & 17° VICTORIÆ, 1853.

VOL. CXXVIII.

COMPRISING THE PERIOD FROM

THE THIRTEENTH DAY OF JUNE,

TO

THE EIGHTH DAY OF JULY, 1853.

Sixth Volume of the Session.

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HANSARD'S
PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 4 NOVEMBER, 1852, IN THE SIXTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SIXTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, June 13, 1853.

MINUTES.] PUBLIC BILL.—3ª Consolidated Fund £4,000,000.

RUSSIA AND THE PORTE—QUESTION.

THE MARQUESS of CLANRICARDE: My Lords, I beg to put a question to my noble Friend the Secretary for Foreign Affairs respecting an announcement of the greatest importance which has lately appeared in the *Moniteur*, the official organ of the French Government. The statement to which I allude is to the effect that the English and French fleets in the Mediterranean have received orders not only to proceed to the mouth of the Dardanelles, but that Admiral de LaSusse and Admiral Dundas have been desired to act conjointly and in concert upon any instructions or orders they may receive from the Ambassadors of their respective countries at Constantinople. I must say that I read that announcement, which I hope cordially to hear confirmed, with the greatest satisfaction. I do not stop now to inquire whether such instructions might not have been given at an earlier period; that may be matter for inquiry hereafter; but sure I am that if the advisers of the Crown in this country act in cordial concert with the Government of the Emperor of the French, and if the forces of the two countries in the Mediterranean are to act in concert, then it will be almost impossible that any war can disturb the peace of Europe; and if any such war should unfortunately arise, then it cannot possibly be of long duration, or of doubtful issue. I therefore read that announcement with very great satisfaction, not because I looked upon it as a hostile demonstration, but because I thought it rather calculated to avert hostile operations, and I beg leave to ask my noble Friend whether it is correct?

The EARL of CLARENDON: My Lords, in answer to the question of my noble Friend, I have to inform him that the report to which he alludes, and which was published only a few days ago in the *Moniteur*, is quite correct. When the announcement was received in this country that the departure of Prince Menschikoff from Constantinople had been followed in a few days by that of the whole Russian Legation, and when the rupture of official relations between Russia and Turkey was accompanied by menacing circumstances, Her Majesty's Government thought it was their duty to give to Lord Stratford de Redcliffe authority to send for the fleet, and to instruct Admiral Dundas to proceed to the neighbourhood of the Dardanelles, there to await any communication he might receive from Her Majesty's Ambassador at Constantinople. My noble Friend is likewise quite correct in stating that this step has been taken in concert with the French Government, between whom and Her Majesty's Government, as I have mentioned here on more than one occasion, there has hitherto existed, and, I am bound to say, there still continues to exist, the most cordial unanimity on this important question. The Ambassadors and Admirals of the two countries have been furnished with instructions precisely similar in character; and both Governments believe that their representatives at Constantinople will use the same discretion and moderation in exercising the powers that have now been intrusted to them. But they hope also that the necessity for having recourse to them will not arise. As my noble Friend has truly stated, this course has been adopted only as a measure of precaution; and so far from precluding, will, I verily believe, tend to promote that pacific solution of the existing difficulty, to which I need hardly assure your Lordships that the utmost endeavours of Her Majesty's Government are directed.

The Earl of DERBY: Will the noble Lord name the day on which the instructions were forwarded to the Admirals?

The Earl of CLARENDON: I cannot state the date; but it was either the same day or the day after that on which the information reached this country that Prince Menschikoff had quitted Constantinople.

INDIA.

The Earl of ELLENBOROUGH rose to move for the Correspondence between the President of the Board of Control and the Court of Directors on the subject of the measure to be proposed for the future government of India; and said: My Lords, at an early period of this Session I took occasion to express the opinion that it would be desirable that legislation with respect to the future government of India should be deferred for another year. At that time it appeared to me that there was not sufficient information before the public to enable Parliament to come to a correct judgment upon the question; and it did not appear to me that public opinion had been sufficiently acted upon to be capable of receiving with satisfaction such a measure of reform in the government of India as I thought it probable Her Majesty's Government would be induced to propose. Since that time a very great change has taken place in public opinion; and I certainly do think that the people of this country, supported as they are by the press generally, are at this moment quite prepared to receive a measure of reform larger than that which Her Majesty's Government have proposed. At the former period, many persons entertained sanguine expectations that the war in Ava might at an early period be brought to a successful termination. There has sprung up since that time more of agitation in India upon the subject of the future government of the country than perhaps could reasonably have been expected. It is intimated, also, that it is the opinion of the Governor General that it would be desirable not to delay legislation. Further, my Lords, I consider that the events which have taken place in the eastern part of Europe are of very material bearing upon our position, and I think we shall be acting rightly if we at once begin to place our house in order, and prepare ourselves for any future events. I, therefore, now entirely acquiesce in the expediency of immediate legislation upon this subject. At the same time I must express my apprehension, that the measure proposed by Her Majesty's Government—temporary and experimental as it avowedly is—is a measure calculated perhaps more to continue agitation on the subject, than to settle and allay it. My Lords, that measure contains two experiments: the one is made upon the Court of Directors, and the other upon the persons to be sent to India to fill situations in the scientific departments of the army, and in the civil service. The first is one of a peculiar and I may say perfectly Oriental character. It is an experiment of mutilation. A modification, however, is introduced, to suit the peculiar views entertained in this country, for whereas in the East that punishment is performed by the public executioner; in this country, according to the dictates of a superior humanity, it is to be performed by the victims themselves. Nominally, there are at present thirty Directors of the East India Company; but, in reality, there are but twenty-four in office.

To this number six are to be added by Act of Parliament, for the sole purpose of assisting to perform the act of mutilation on the Court. My Lords, I must say that I think this part of the measure is devised with a degree of jocular cruelty which has hardly been witnessed since the time of Louis XI. These thirty gentlemen are to designate the fifteen who are to go out of office, not by any method specified by Act of Parliament, and not according to any specific rule. It is not to be done at once, but the gentlemen are to suffer a prolonged agony of expectation as to their future position, their duties, and their prospects in life, till the 30th of April, 1854. During the whole of that interval no member of the Court of Directors can shake hands with another without feeling that he may be shaking hands with a man destined to be his political assassin or his political victim. My Lords, consider only for a moment what a Director loses when he loses his seat in the Court of Directors. When a Member of Her Majesty's Government is displaced from office, he really loses little. He loses nothing in social position, and is relieved from laborious duties and from great anxiety. The emoluments of office are not such as produce great advantages to the man holding them; while the office, on the other hand, usually introduces very great want of economy into his household, and necessarily a greatly increased expenditure, so that no man holding office is able to do very much towards providing for his family, nor can he look forward to any permanent tenure of office. To go out of office is much more natural than to come in. But, my Lords, it is far otherwise with the Court of Directors. The holder of a Government office is there for public and not for personal purposes; the Director desires to hold his seat solely for personal objects, and not for public purposes. He cannot hold his seat for public purposes, since he has no real power at all—the actual government is really carried on by the Board of Control. But the moment a gentleman becomes a member of the Court of Directors he becomes a great man. The day before he is a Director, he is nobody; the day he is made a Director, he becomes a man of great social influence; he hears constant knocks at his door by parties applying to him for the good things known to be at his disposal; and is a member of one of the bodies which is supposed to exercise an influence over the affairs of India. His social position is very much improved; he holds his office for life; he possesses the semblance of great power and great authority. All this is now proposed to be taken from the Directors. And what will be the result of allowing the operation to be performed by the Court of Directors itself? Do your Lordships imagine that the fifteen best members will be left? I believe, on the contrary, that in all probability they will be the fifteen worst. Three members of the Court are to be cut off in the first instance, to make room for three Government nominees; but why should the completion of this measure for the reform of the government of India be deferred during the continuance of three lives. Will the consequence of that postponement be to retain as members of the Court three ancient and experienced sages? On the contrary, I believe that there will be a strong disposition to defer the time for the full number of the proposed nominees of the Crown to enter the Court—that youth and ignorance will, in all probability, combine to keep out knowledge and experience, and to defer the period when the nominees of the Crown ought to come in. In all probability the youngest, and those who have least claim to authority, will be selected. But, my Lords, Her Majesty's Government are to be restricted to the selection of persons who have been in the service of the Government of India for at least ten years. That restriction appears to me to be particularly inexpedient, for it would admit of the appointment, as nominees of the Government, of persons who are not qualified either by knowledge or authority to act as Directors. No person in the civil service of India can by any possibility, in the course of ten years, have filled any situation which would give him sufficient authority, or enable him to acquire sufficient knowledge, to qualify him to be a member of the Court. In the military service no man in the course of ten years would acquire a higher rank than that of captain, and it would obviously be inexpedient that persons of that rank should be introduced into the Court of Directors to represent the army. I would, therefore, suggest that no person who has not served the Government of India for twenty years, should, on that ground, be eligible as a nominee of Her Majesty's Government. It may be that the lower number of ten years has been taken in order to admit to the Court of Directors some of Her Majesty's judges who have retired from the Supreme Court of India. I will not say that it might not be possible to find some judge who is a fit person to be placed in the Court; but this would not be generally the case, for the knowledge of judges is usually confined to the business of their courts, and to the presidential towns in which they reside. It is, therefore, most rare for them to acquire a general knowledge of the country, and under ordinary circumstances it would be difficult to find persons less likely to do good service to the country in the direction than the judges of these courts. If, however, the rule were taken that no individual who had served the Government of India for less than twenty years should be a nominee of Her Majesty's Government, an exception might be made in favour of the judges of the Supreme Court. There is another exception which it seems to me absolutely expedient to allow. If the restriction of ten years' service be adhered to, we exclude from the direction every officer who has acted as Commander in Chief of the army in India, or of either of the Presidencies, or as Governor of the subordinate Presidencies. Now, these are the very persons who would be the fittest members of the Court. Undoubtedly, if Her Majesty's Government are restricted —as it is proposed they shall be—to the selection of three members of the Board in the first instance, two of the persons best qualified for the duty, if they would condescend to take the office, would be a noble Lord who was Governor of Madras, and Sir G. Arthur, the former Governor of Bombay; but the rule proposed by the Government would exclude both. These three nominees of Her Majesty's Government would, however, be totally insufficient to effect any material reform. I doubt, indeed, whether even the number of six could be considered as sufficient for that purpose. It has always appeared to me that it is most desirable to make the Council or the Board for India—whichever may be the title under which it may hereafter carry on the government of that country—as perfect a representative as possible of the several departments in the respective Presidencies of India; so that the Indian Minister in this country, on whatever subject he may desire to obtain information, may find some member of the Court from whom, as a man of authority and knowledge, he may gain the information he requires. It is, therefore, I think, the more expedient that the Government should in the first instance nominate the whole number of six, or even enlarge that number, because it would be contrary to all reason to suppose that there will not be a very material deterioration in the remaining portion of the Court which is to be subject to election. I have already said that it appears to me quite as probable that, in the first instance, the fifteen worst members of the Court will be left in the direction as the fifteen best. Consider what will be the probable action of such a constituency as that of the proprietors of East India Stock under the circumstances in which they will hereafter be placed. Hitherto, they have been in some degree under the influence of restraint or shame —although they did not, perhaps, show much on the very last occasion of the election of a director. On nearly every other occasion, the statement that a man had performed good service for India, was considered to some extent to be a recommendation to the Court of Proprietors; and, in point of fact, gentlemen connected with the public service in India—though not, perhaps, of very high distinction—have been elected Directors of the East India Company. What, however, will be the answer of a proprietor of the East India Stock who is now canvassed by a person who seeks a seat in the East India Court on the ground of his services in India? The proprietor will say, "If you are a distinguished man, go to Her Majesty's Government. They will nominate you. It is for them to nominate the East Indians; it is for us to elect the persons whom we think it is most convenient for our own purposes to place in the direction." I feel perfectly satisfied that this part of the plan will lead to the very early extinction of the system now proposed; for such a feeling will be caused by these elections happening one after another, that the disgust of Parliament will be excited, and the result will be, that at no distant period that sentiment of disgust will lead to the whole power being thrown at once into the hands of Her Majesty's Government. I look upon this as a very material point; and I think that, in order to remedy the evils that will arise from the plan proposed by the Government, it is absolutely necessary to adopt the course which I suggested last year, namely, to extend the constituency. It is really almost ludicrous to speak of the present constituency. Out of 1,750 persons, who have about 2,300 votes, there are at present not 250 who have ever been in India. It is not an Indian constituency, although the constituency of an Indian empire. I suggested that all persons in the civil or military service of the Company above a certain rank, at home or on furlough, who might be considered to have retired from the service, should have votes in the election of Directors, and should be added to the present constituency. It may be said this plan would swamp the existing constituency. Now I don't think, even if that effect were produced, that the evil would be very great; but, in point of fact, it would not be the case, because, although no doubt the number of additional voters would be considerable, and would very materially affect the whole character of the constituency, it would not add more than about 1,250 to the present number—making the whole constituency about 3,000. Still, in consequence of the manner in which the votes are distributed, those which are in the hands of banking establishments or mercantile firms are so knit together that the change I propose would not altogether annihilate, though it would materially affect, the present constituency. It appears to me most desirable to constitute such a council or such a court as may at all times perfectly represent the various departments of all the Presidencies of India. We cannot give to India a constitution in India. Let us endeavour, then, as far as we can, to give her a constitution here. That has always been my desire. I am satisfied that in the court or council for India there should always be a representative of the armies of the three Presidencies. This, I conceive to be essential to the good government of the country. It is equally necessary that there should at all times be present in the council at least two gentlemen who have been in the political service—who have resided at various Native courts, and have made themselves acquainted with the feelings, the manners, the habits, and the modes of government of the Native States. I think that to be quite essential. It is obviously necessary, also, that there should be some person acquainted with the revenue systems of each of the Presidencies, widely differing as those systems do from each other. The same course should be adopted, I think, with regard to the judicial system. There should be in the council persons representing the judicial service in each Presidency, because the habits and characters of the people are so different that, unless you have persons conversant with the judicial establishments in various parts of the country, you will not have the means of obtaining that authentic and correct advice upon which it is important that legislation, in reference to the action of the Executive Government, should be founded. It may be said, that it is very desirable that in the council for India there should be certain persons, at least, of European or of English minds. I consider that the mind of England is represented by the Minister for India, who has the power of overruling the council. He goes to the council for advice upon Indian matters. Now, no man in his senses, if he wanted advice upon Indian matters, would go to his banker; yet bankers are at present placed in the Court of Directors to issue instructions for the government of India, of which they know, and can know, nothing. Consider the extreme inexpediency of having persons connected with banks and mercantile transactions in the Cabinet of India. Why, they are as unfit members of the Cabinet of India as merchants and bankers would be for the Cabinet of England. They become cognisant of circumstances which materially affect their own personal interests; they may become acquainted with the probable action of the Government; and it is of all things most undesirable that there should exist any suspicion that the members of the Government are personally interested in the measures of the Government. On these grounds, I think it decidedly desirable that the council should be an Indian council, and that it will be time to look for the presence of the Indian mind when any question comes to be dealt with by the Indian Minister who represents Her Majesty's Government. Her Majesty's Government have decided upon what is called the system of double government. I do not think it is necessary to resort to double government—certainly not to such a double government as now exists—for the purpose of preventing the inconveniences which might result from measures connected with India being constantly brought before Parliament. There is at present, on the part of the Parliament, a perfect distaste to interference with the affairs of India; but there was a period, in the days of Pitt and Fox, when it seemed impossible that Parliament would ever assemble without discussing the affairs of India; yet from that time to this it has generally been found difficult to arouse attention on the subject. I do not think that India would be a subject of frequent discussion if the double government were abandoned. I believe that if India were governed by a Secretary of State, without a good council, questions would be constantly brought before Parliament; but if you give him a good council, which he has the power of overruling, the only cases in which Indian questions would come before Parliament for discussion would be on those very rare occasions when the Indian Minister would be obliged to overrule his council, which he would not do without such good reasons that he need not fear to defend his course in Parliament. The present system of the government of India is one of complication, where you require simplicity. It is a system of delay, where you desire despatch; it is a system of expense where you desire to have economy; and yet, great as are its inconveniences here, they are as nothing compared with the mischiefs produced in India under the present system. If a President of the Board of Control makes himself master of the business that comes before him; if he makes the Court of Directors understand that he is as well acquainted with these subjects, and as competent to deal with them, as they are; if he forms his own opinion, and decides and acts upon that opinion, be assured he will have very little difficulty indeed in managing the Court. I never had the slightest difficulty, after the first two weeks; and I do not see why my successors should not manage the Court as well as I did. How did I do it? Merely by making myself better acquainted than they were with the questions which came before them. When I formed an opinion, I determined to act upon that opinion; and they found it was quite idle to resist. This I will say, that if a man can manage the Court under the system of double government, and can, through them, carry on the government of India, he would do so a great deal better if he had a good council; and it is far better that a man should advise with responsible councillors than with irresponsible clerks, which is now of necessity very often the case. I have said that the mischief of the present system is much greater in India than in this country; and it arises from this circumstance, that while the Indian Minister has full power over all measures, the Court of Directors retains to a great extent the power over men. There is scarcely a single servant of the Company who does not, at some period of his life, go as a suppliant to a Director for a writership or cadetship for some son, or nephew, or other relative; and that circumstance gives the Directors great power over the whole civil and military service. Their patronage is of much more importance and much more influence in India than that of the Governor General. They are of necessity greatly restricted in their choice; and it is of infinitely more importance to a man to get a cadetship or writership for his son or nephew, which is an entire provision for life, than to gain any little advancement which he might hope to obtain from the favour of the Governor General. The position of the Governor General and of the Directors is, therefore, exactly what would be the position of Her Majesty's Government and of the Opposition in this country, if the Government were to remain in possession of all executive authority, while all patronage was transferred to the Opposition. Imagine how government would be possible under such circumstances; yet this is really the system on which you attempt to conduct the government of India. It seems to me, however, that the time is come when it will be expedient to put an end to this, which is, in fact, the most irrational government now existing in the civilised world. It is more irrational even than the government of the Grand Llama. That government is, like our government of India, a sham; but it is at least a sham supported by the *prestige* of a religion. The government of India has no *prestige* whatever, except that of a bad old habit—the bad old habit of clinging to a makeshift until it breaks down. But, my Lords, it is a matter of great importance to consider not only the scheme proposed by Her Majesty's Government for the future distribution of patronage, but also the effect which the altered character and composition of the Court will have upon the distribution of that patronage. It is proposed that all the civil servants, and all candidates for appointments to scientific departments of the army, in the service of the East India Company, shall hereafter enter by competition; that these persons shall be admitted to Addiscombe and Haileybury; and it is proposed that to these departments of the Indian service persons shall in future be admitted by examination alone. I am not sure whether Her Majesty's Government have taken into consideration that which will be a necessary consequence of this measure—a consequence, however, which I do not deprecate—most deeply affecting the whole social state of India. It will altogether dissever the civil service from the Court of Directors. Up to the present moment, the gentlemen of the civil service have been the sons, the nephews, or the immediate friends of gentlemen in the direction of the Court, of whose care they have been the constant objects; they have affected a superiority over the military service, to which by education they were not superior; and this has produced a very material effect upon the state of society in India. This system, however, will be altogether changed for the future by the arrangement which is proposed; and all the favour which has hitherto been shown to the civil service will hereafter be transferred to the officers of the regular army, because in that army will be found the sons and relatives of those who exercise power in the Government of India. I notice this, because it is a very important circumstance for consideration, and will very materially affect the social condition of persons resident and performing service in India. I do not deprecate this arrangement; I think it is a beneficial one; but it is one which will effect a very great social revolution, which I thought it right to bring under the notice of the House. I have said it is proposed that in future all the gentlemen who receive appointments in the scientific departments of the army shall go through an examination, and shall not be appointed by patronage. Now, as regards the scientific departments of the army, and especially the artillery—though I will not venture to say there is anything in this world which is not improvable—I really know not how those departments are to be improved. I have never in my life heard any military man speak on the subject who did not declare that the artillery of India was equal, if not superior, to any artillery in the world. To what, among other things, is this owing? It is not merely owing to the circumstance of the gentlemen in these scientific departments being persons of education and knowledge, but to the high tone of the service which is created by their being gentlemen. It is the same also in the department of engineers, to which no exception whatever can be taken. And now, as regards the gentlemen in the civil service, I will say of them also—though I may not have had particular reason to be satisfied with their conduct — that they are gentlemen:—there can be no doubt of that; and I know not whether by any possible examination you could acquire that great advantage. Depend upon it, there is nothing in the government of India so important as to preserve the tone of both services. The higher you raise the character and feeling of the services, the more secure you are in the possession of India; and, above all things, this is most essential, that every officer in the Indian service should have something to lose by separation. The higher the connexions of those who serve in India, and the more respectable their position when they return to England, the more secure you are against mutiny and against every colonial feeling which can lead to the separation of the countries. Look back to the state of the Indian army in earlier times, when the persons who held the rank of officers were not gentlemen—when they were taken, no man knew how or whence—when they were frequently the refuse of Europe—certainly the refuse of England—when we were menaced with constant dangers—and when the most disgraceful actions were perpetrated by men calling themselves officers. You have not since witnessed such scenes; and, although exceptions may have occurred, as appears from proceedings of courts-martial I have read, with regard to the conduct of individual officers, yet the general character of the officers of the Indian army is free from any imputation. They are gentlemen in every sense that can be attached to that word. We are told that the competition which it is proposed to establish will very greatly improve the civil service. I last year deprecated the perpetual exclusion of the whole aristocracy and gentry of England from the Indian service; and I so far rejoice in the proposed competition that I have no fear that it will not secure their admission to this service. I think the sons of your Lordships and of the gentlemen of England are quite as competent to pass examinations as any men; but I confess I saw with very great pain that the Minister for India had expressed his satisfaction that under the proposed system the son of a horsedealer would, in future, be able to obtain admission to the Indian service. My Lords, I am satisfied you could not more highly offend the people of India than by saying you will send among them persons of the horsedealer caste; and I think you could not do worse than introduce into that country the morality and feeling of the stableyard. The higher you place the tone of morality of the gentlemen serving in India, the more secure you are in India. But it is said these persons are to be admitted by merit. What is the merit of being "crammed" in any case? Knowledge is not to be obtained by the sudden infusion of vast quantities. Why, a horse-dealer would not feed his cattle in that manner. The slower knowledge comes, the longer it remains—unlearned incompetency is very bad; but learned incompetency is infinitely worse, because it is almost universally accompanied by self-sufficiency. I have lived for some time in the world, and have looked about me, and I must say that I have usually observed that in public life the men who were most useless, and in society the men who were the most intolerable bores, were the over-educated mediocres. They are generally useful for nothing. It is not to qualities similar to those which you propose to import, that the people of India look. They look to character. It is not the education of schools which makes a man, it is the education which he makes for himself in life; it is the practice of roughing it with equals; it is the constant competition of life which makes men fit to govern men. But what do you propose with a view to fostering those qualities? Nothing at all. When your officer arrives in India, there is to be no competition. Competition there would be useful; but, once he arrives in India, you propose to leave him subject to all the disadvantages of the existing system. You say he shall rise irrespective of his abilities, irrespective of his knowledge; that, in short, he shall rise by seniority; that a man who is not fit to sit at an attorney's desk may rise to be a judge, and that a man who is not fit to cast up an account for a little shopkeeper may become a collector. Depend upon it, my Lords, that it is in India you must apply the remedy, and not here. A man who passes the first examination, and so gets into Haileybury or Addiscombe, may be infinitely inferior to another man, who, though failing at the first examination, would, if an opportunity were afforded him, beat him at a second. There is no reason whatever to suppose that premature knowledge will qualify men for the higher situations of life, but, rather, that a later period of life is more likely to indicate the abilities which will fit them for such situations. I feel satisfied, my Lords, that if you adopt this proposal you will commit a very serious error as regards the future government of India. For just observe how it will work on officers of the Indian army. They are for the most part, I am sorry to say, poor men. I do not mean to say that their pay is inferior to the pay of officers of Her Majesty's Army; but it should be remembered that what in England is a luxury, is in India a necessity. They are obliged to go to a very considerable expense to maintain themselves even in health in that country. Many of them have relations in the poorest situations of life in this country; and nothing can exceed the kindness and generosity with which they meet the demands of their poorer relations in England. The result is that they are poor men; and, although they do obtain for their children such education as they can, they do so in general with great suffering to themselves, and by the exercise of much self-denial; and it is quite impossible that those gentlemen can afford the expense of giving their sons such education in a cramming school as will fit them for admission to Haileybury or Addiscombe; at least, they cannot afford to give them that education for the chance of admission into the scientific departments of the army or the civil service. If, indeed, they had a certainty that their sons would obtain admission into either of these services on consideration of their exhibiting a certain proficiency, they would, I have no doubt, endeavour to give them the necessary education; but they can do nothing for the sake of a mere chance. By adopting the Government plan, therefore, you will practically exclude nearly all the sons of the officers of the regular army from those branches of the service of India. They will, in the first place, have little chance of getting presentations to cadetships, and for this reason:—the gentlemen who will be nominated to the direction by the Crown will be necessarily gentlemen connected with the civil service, and who will have no necessary or natural connexion with the army. It is proposed that henceforth the Directors shall be precluded from nominating any one to the scientific department, or to the civil service; and that their patronage shall be limited to the direct appointments for the army. This will take away from the Directors a large number of appointments. There is no reason, therefore, why the nominees of the Crown, composed as they will be of officers of the civil service, should go out of their way to give cadetships to the sons of Indian officers; and, as regards the remainder of the Court, I have no doubt at all that what I have predicted will be found to be true—namely, that they will deteriorate every day—that they will become mere nominees of London houses, and their appointments mere City jobs—and they will go on thus deteriorating until they are at last put down by the disgust of the public. How can you expect that such men will trouble themselves to give cadetships to sons of Indian officers? They will, of course, dispose of their patronage so as to promote their own purposes—they will care nothing about India; and, therefore, it will be absolutely necessary that, unless you extend the constituencies in the manner I have proposed, so as to give a better chance of obtaining Indian officers belonging to the civil and military services for those situations in the direction which are to be filled by election—I say, that unless you do that, it will be absolutely necessary, for the good of the public service, that a certain proportion of the cadetships should be given for good service, not by individual Members of the Court, but by the Court itself, subject to the approval of the Board of Control. The general patronage of the Directors has hitherto been divided into batches of 28 parts annually, of which the ordinary members have one each—the Chairman and Vice-Chairman of the Company two each, and the President of the Board of Control has, by courtesy, the other two allotted to him. When the number of Directors is reduced to 18, only 22 cadetships will be required in place of 28; and what I propose is, that the six remaining cadetships shall be appropriated to the sons and relatives of gentlemen in the two services—in the proportion of one to the civil and five to the military service. I give the civil a larger proportion than their numbers entitle them to; but I would rather do that than seem to press with unnecessary severity upon them. I would give these appointments as strictly upon honour as the good-service pensions of the Navy are given. I would also suggest that when an application is made to the Court for one of these cadetships, a complete statement of the applicant's services shall be made out in duplicate, so that the President of the Board shall have the same opportunity of judging of the fitness of the reward as the Court itself. By making these appointments subject to the approval of the President of the Board of Control, I do not desire to increase the patronage of the Crown; I do so merely in the belief that the exercise of this veto will practically lead to the selection of the fittest men. There is no doubt this advantage in the arrangement now proposed by Her Majesty's Ministers—that they will have the axe hanging always over their heads, because there will be nothing whatever to prevent their proposing to Parliament to pass a measure at any moment for the redress of such grievances as may appear to arise out of their plan. I do not think, therefore, that there will be any material mischief attached to the plan which I propose. I am perfectly willing to admit that it is desirable at all times to infuse new and fresh blood into the Indian service. I am by no means desirous that it should become a hereditary service, because I am sure that that would lead to great disadvantages; but I do think it essential that those who have deserved best of their country should feel that in consequence of their services their sons will have an opportunity of running the same career of honour as they ran themselves. This, I am sure, would strengthen the connexion between that service and this; and of this I am sure, that the regiment which receives the son of a good old officer will feel very differently towards him, than it would do towards an erudite young gentleman who had come out well crammed for an examination. What they would look to is the character of the father, and they would expect to receive the same consideration from the young officer as they had received from their old friend. I feel satisfied that you would strengthen the services by adopting the suggestion which I have made. I rejoice to say, my Lords, that I have now nearly passed through that portion of the subject which involves the consideration of any amendment. I come now to that portion of the subject which relates to alterations to be made in India itself. I see no objection to the formation in this country of a legal commission, which shall take into consideration the expediency of the various laws which have been proposed for the alteration of the criminal and civil law of India. I believe that there are in this country at present men as well qualified and as competent for that task as any Indian, and with more leisure; and I have no doubt that any general laws may be proposed here with as much advantage as in India. But, at the same time, I cannot disguise from myself what this proposal really means. It means the introduction of what is called the "Macaulay code." I have never studied that code attentively myself, but I will venture to tell your Lordships that I have heard it often discussed with considerable zeal in India, and that I have never happened to meet with one single gentleman who was not a philosophical English lawyer who approved of it. That code, as your Lordships may be aware, involves the establishment of a universal system over all India. Now, India, as your Lordships are also aware, is composed of people of different nations, and of the most various habits, manners, and religions. The people of India are, in fact, as different from each other as the peoples of Europe differ from each other; and yet it is supposed that this "Macaulay code" will apply to them all. Your Lordships will recollect that the great principle of the provisions of the Act of 1833 was, that the habits, religions, and manners, of the people were to be considered in the making of their laws. If, as we are told, this code is founded on universal principles, do let me ask you to try it on yourselves first. Perhaps you will say that you have a criminal code with which you are satisfied, and that there is no reason why you should adopt the Macaulay code. Why first force it upon India, where it may happen to be unsuitable? Do as you would be done by. You would doubtless hesitate before you received a new code from any philosopher in India. Why, then, would you force this new code upon them? Try it on yourselves first; and if you, the noble and learned Lords of this House, and the hon. and learned Gentlemen who deal with the subject in the other House, are satisfied with its success, then go and try it elsewhere. There is to be a Legislative Council in India, of which certain members of the Executive Government are to form part. I think that that will be a great improvement. I have at all times advocated that improvement, and I also think that it is quite right that the Governor General should have a veto when he is present as when he is absent. It seems to be quite absurd that it should be otherwise. It is also proposed that this Legislative Council shall be composed of gentlemen of the judicial service principally, but including also gentlemen of the civil service, who are to be brought from the other Presidencies to Calcutta. But, give me leave to ask, my Lords, what these gentlemen are to do in their leisure time? Legislation will not, of course, occupy them morning and night. It would be most injurious to the welfare of India that they should be eternally altering the laws of the country. Is this Council o be in perpetual sessions? Are those gentlemen who are brought from the other Presidencies to have nothing to do when the Council is not sitting? If not, their large salaries will be thrown away. I would suggest, therefore, that they should be put to some useful purpose at other times. There is another measure which I advocated twenty years ago, and that is the amalgamation of the Sudder and the Supreme Courts. I remember that it was objected then by Mr. Elphinstone, that the English lawyers might override the Indian lawyers, and have things all their own way. I own that this is a very important consideration, and I hope it will not be lost sight of in carrying out the present proposal. It is also proposed that there should be a Lieutenant Governor of Bengal. I should wish to know whether it is intended that the Lieutenant Governor of Bengal is to be appointed, like the Lieutenant Governor of Agra, by the Supreme Government, as he certainly should be, and whether the tenure of his office is to be (like that at Agra) without limit in point of time? At present the Governors of the subordinate Presidencies, although their appointments are made out without a limit, are understood to be appointed for five years. I wish to know if it is intended that the Lieutenant Governor of Bengal shall remain permanently until he is tired of his situation, and wishes to get home? I wish this to be distinctly understood. But I particularly desire it to be understood that the Supreme and not the Home Government is to nominate the Lieutenant Governor of Bengal. I recollect having received an intimation, when I was in India, of a wish on the part of the Court of Directors that I should appoint a particular person to the government of Agra, and that I thought it a most offensive interference with my authority. It so happened that I had already appointed him. He was, indeed, the fittest man; but I considered it not the less an improper interference with the ordinary patronage and responsibility of the Governor General. With respect to this proposed change in the government of Bengal, it must be recollected that there will be one disadvantage attending the separation—and that is, that the Governor General will have no opportunity whatever of becoming acquainted with the minor details of the government of that province. But I apprehend that under all the circumstances he will have the power of requiring that the details shall be submitted to him. With respect to the higher patronage of that officer, I hope that the same arrangement will be adopted as has hitherto been in practice in regard to that day, but he has not one hour, of real relaxation. Every day brings its own work; and it is with the greatest difficulty, therefore, no matter how rapid he may be in reading, in writing, or in coming to his conclusions, that he can in one day despatch the business which accumulates within the space of twenty-four hours. Let us contrast that, my Lords, with the transaction of public business in this country. In this country, if my noble Friend who is at the head of the Government does that which is for the advantage of the people, the people here acknowledge it. The press supports that which is a benefit to the people; and he is at the head of a strong Government. But in India the public is not the people. What we here call the Indian public is composed altogether of English officials, whose interests may be, and often are, I regret to say, considered altogether at variance with the interests of the people. The press of India represents Europeans, and not the people of India. It may so happen that the unanimous combination of what is called the English public and of the press against the Governor General may be the surest indication that he is doing his duty by the people. But though the interests of these individuals may not be those of the people, yet he cannot do good to the people of India without doing good to his own countrymen; and, when so engaged, it seems to me to be the bounden duty of the people of England to give him their unqualified support. My Lords, I say it with the most perfect conviction, that amid all the difficulties of conducting the government of that distant country, it is absolutely essential that the Governor General should at all times, so long as he holds office, have the ostensible and cordial support of all the authorities in England. Without that it is impossible for him to do his duty, either to the people of India or to England. I will not say whether this condition has, under all circumstances and at all times, been observed; but I will say, that unless, as a rule, the home authorities here, acting unitedly for the benefit of India, give all the support and strength they can to his government, you may rue the day when you see the evil which you have introduced into the government of that noble country. My Lords, I now beg to move for the papers of which I have given notice.

Moved—

"That there be laid before this House, copies of correspondence between the President of the Board of Control and the Court of Directors on the subject of the measure to be proposed for the future Government of India."

Earl GRANVILLE: My Lords, in following the noble Earl who has just sat down, I shall not, I am sure, appeal in vain for the indulgence of your Lordships. I have listened attentively to the speech of the noble Earl, than whom I may say there is no Member of your Lordships' House who for so many years has studied every question connected with India, who has brought ability of so superior an order to bear upon that study, or who can speak with greater power when he wishes to convey to your Lordships the opinions which he has thus formed. For myself, I most unaffectedly say that the attention which I have paid, and have been delighted to pay, to the subject, as Chairman of the Select Committee appointed to inquire into the Indian question, has left me with only this piece of knowledge, that not only weeks and months are insufficient, but that it would require several years of exclusive study to make one really master of any one of the heads of the inquiry which is entrusted to us. I certainly might endeavour to weaken the authority of the noble Earl, where he makes certain objections to the Government plan for the future government of India by ascribing some personal feelings and considerations in the opinions which he has formed upon this occasion; and I believe the noble Earl would be the last person in this House to deny that he does feel strongly in favour of the plan which he has himself matured with much labour and toil, and which he has so long and so ably advocated. I believe, also, that he would be the first to acknowledge whatever may be his feelings at this moment, that he did at all events once experience some resentment at being cut short in a career in which he thought he might be useful to his country, and might improve the administration of the Government of our Indian possessions. But, my Lords, I am bound to say, sitting as I have done by that noble Earl for the last three or four months in the Indian Committee—seeing the assistance which he has given to me, and to every other Member of that Committee—seeing how singularly he has abstained fram using the advantage which his superior knowledge and ability gave him either in controlling the action of the Committee, or in dealing with witnesses who were hostile to his own views—and seeing how money—that he had kept private accounts with American cultivators, whom it was his duty to have controlled—that he had been selling instruments of cultivation to them—and it was further found that he was in partnership with a gentleman who had been a candidate for the direction, and who was his partner under the name of his son—that son being a minor. I sent home those facts to the Court of Directors for their investigation. I apprehend that they did not think it necessary for them to divulge the circumstances under which that gentleman stood to the public; and the Court of Proprietors, in ignorance of those facts, elected him a Director, and there he is now. There is another case, of which I do not know the particulars so perfectly, and which, therefore, perhaps, I should not mention. It related to a gentleman who was appointed by the Court to a most confidential office about the Mint, and that gentleman's conduct was twice inquired into. He came back after the first inquiry, and, notwithstanding the previous inquiry, there was subsequently another one. Knowing these facts, and knowing how much jobbery there may be in sending out from England, without any previous service in India, officers for particular situations of this description, I think it most essential that the patronage of all these appointments should be exercised by the Court, under the control of the Crown. But, my Lords, while we endeavour to do in India what we can, and to improve, as far as we can, the Home Government of India as administered here, I should really be trifling with your Lordships if I were not frankly to declare to you my fixed opinion that, after all, the whole character of the government in India must entirely depend upon the character of the Governor General. He, my Lords, is alone responsible for every act of government. Few in this country know even the names of the members of his Council; and, if they were known, no one would ever think of looking to them as responsible for every measure adopted in India. The Governor General is alone responsible. Now, my Lords, only for a moment compare his situation with that of the Prime Minister of the Crown in this country. My noble Friend is surrounded by gentlemen, I will not say of equal but of nearly equal ability with himself, in every department of the Government. They are the objects of his own selection. He knows them, and he has entire confidence in them. All the more important matters of Government pass in communication between him and them. He is saved the investigation and consideration of all minor questions. If he be in any difficulty, he has the whole Cabinet to consult. If the difficulty be great, he may, as other Ministers have done, endeavour, perhaps, to throw the responsibility upon Parliament, and thus evade it himself. But what is the position of the Governor General? He lands in India frequently without any knowledge of the country but such as he has picked up on the passage, by reading the evidence taken before Parliamentary Committees, and by the study of statistics. He cannot by possibility know any one man in the country when he lands. He begins his government, not with Ministers appointed by himself—indeed, he has not the power of selecting them, for he knows not one man from another—but with the Ministers of his predecessor, whose views and policy may have been altogether different from his own. Yet he is compelled to go on with them. Can he expect, my Lords, his policy being different from that of his predecessor, that he should receive more than a cold support at best, in place of that cordial co-operation which is the result of the unanimity of feeling and sentiment which he might fairly anticipate from Ministers of his own selection? But more than this. What is the work that is imposed upon the Governor General? He performs the whole duty of the Foreign Office, writing every letter with his own hand. He has the entire disposal of the whole military force in that country, consisting of 200,000 soldiers. In every case of war he is alone responsible, not merely for the strategy of the war, but for all the most minute details in every department—for the commissariat, and for every branch of the equipment of the army. When he is with his Council, all the details of every department of the Government come before him. Such is not the state of things in this country. At the head of each department of Government here there is placed a gentleman who is responsible for that department over which he presides, and for it alone. The case is entirely different in India. There the Governor General is alone responsible for all the departments of Government; and I have no hesitation in saying, that from the moment he lands in India till the day when, to his own satisfaction, he places his foot on board the ship which is to carry him to England, he not only has not one day, but he has not one hour, of real relaxation. Every day brings its own work; and it is with the greatest difficulty, therefore, no matter how rapid he may be in reading, in writing, or in coming to his conclusions, that he can in one day despatch the business which accumulates within the space of twenty-four hours. Let us contrast that, my Lords, with the transaction of public business in this country. In this country, if my noble Friend who is at the head of the Government does that which is for the advantage of the people, the people here acknowledge it. The press supports that which is a benefit to the people; and he is at the head of a strong Government. But in India the public is not the people. What we here call the Indian public is composed altogether of English officials, whose interests may be, and often are, I regret to say, considered altogether at variance with the interests of the people. The press of India represents Europeans, and not the people of India. It may so happen that the unanimous combination of what is called the English public and of the press against the Governor General may be the surest indication that he is doing his duty by the people. But though the interests of these individuals may not be those of the people, yet he cannot do good to the people of India without doing good to his own countrymen; and, when so engaged, it seems to me to be the bounden duty of the people of England to give him their unqualified support. My Lords, I say it with the most perfect conviction, that amid all the difficulties of conducting the government of that distant country, it is absolutely essential that the Governor General should at all times, so long as he holds office, have the ostensible and cordial support of all the authorities in England. Without that it is impossible for him to do his duty, either to the people of India or to England. I will not say whether this condition has, under all circumstances and at all times, been observed; but I will say, that unless, as a rule, the home authorities here, acting unitedly for the benefit of India, give all the support and strength they can to his government, you may rue the day when you see the evil which you have introduced into the government of that noble country. My Lords, I now beg to move for the papers of which I have given notice.

Moved—

"That there be laid before this House, copies of correspondence between the President of the Board of Control and the Court of Directors on the subject of the measure to be proposed for the future Government of India."

Earl GRANVILLE: My Lords, in following the noble Earl who has just sat down, I shall not, I am sure, appeal in vain for the indulgence of your Lordships. I have listened attentively to the speech of the noble Earl, than whom I may say there is no Member of your Lordships' House who for so many years has studied every question connected with India, who has brought ability of so superior an order to bear upon that study, or who can speak with greater power when he wishes to convey to your Lordships the opinions which he has thus formed. For myself, I most unaffectedly say that the attention which I have paid, and have been delighted to pay, to the subject, as Chairman of the Select Committee appointed to inquire into the Indian question, has left me with only this piece of knowledge, that not only weeks and months are insufficient, but that it would require several years of exclusive study to make one really master of any one of the heads of the inquiry which is entrusted to us. I certainly might endeavour to weaken the authority of the noble Earl, where he makes certain objections to the Government plan for the future government of India by ascribing some personal feelings and considerations in the opinions which he has formed upon this occasion; and I believe the noble Earl would be the last person in this House to deny that he does feel strongly in favour of the plan which he has himself matured with much labour and toil, and which he has so long and so ably advocated. I believe, also, that he would be the first to acknowledge whatever may be his feelings at this moment, that he did at all events once experience some resentment at being cut short in a career in which he thought he might be useful to his country, and might improve the administration of the Government of our Indian possessions. But, my Lords, I am bound to say, sitting as I have done by that noble Earl for the last three or four months in the Indian Committee—seeing the assistance which he has given to me, and to every other Member of that Committee—seeing how singularly he has abstained fram using the advantage which his superior knowledge and ability gave him either in controlling the action of the Committee, or in dealing with witnesses who were hostile to his own views—and seeing how carefully he abstained from accepting any support to his own views either from the Committee or from the witnesses, which did not appear to be in most strict and exact accordance with the truth—I am bound to acknowledge my entire belief that the paramount feeling in the mind of that noble Earl is the good of the public service. In stating this in your Lordships' House, and in the presence of the noble Earl, I am only repeating what I frequently said to other Members of the Committee, whom, I may add, I have always found completely to concur in the justice of these observations. Some additional proof might be found, if it were wanted, of the public spirit of the noble Earl, and of his fairness and candour in the way in which he commenced his speech to-night, when he avowed that he attached no blame to the Government for not having delayed legislation upon this subject. When I see Indian reformers, as they are styled, stating that they are ready to legislate if measures are proposed in accordance with their views, I think that they cut away the ground for delay so far as they are concerned. But I am bound to admit that there may be other more weighty arguments for delay than those which those Gentlemen are in a position to urge. Clearly, as far as Members of the Government are concerned, and their personal ease and Parliamentary convenience go, nothing would have been better for them than to defer legislation for two or three years, as the noble Earl proposed, or, still better, for five years, as was suggested by the noble Lord on the bench opposite (Lord Monteagle). But we should have incurred a grave responsibility —attribute what motives you choose—and here I must observe that the only part of the speech of the noble Earl which I did not like to hear was that in which he attributed motives to so respectable a body as the Court of Directors really are—I say we should have incurred a grave responsibility if we had refused to listen to the representations of the Directors when they solemnly told us that we should be doing the greatest possible injury to India if we allowed any delay to take place in this matter. Such a warning, surely, could not be totally disregarded. But in addition to this we had also the unqualified opinion of another person: and though it may not be quite Parliamentary to refer to it, yet it may be a reason for guiding you in your judgment upon this occasion, as it was a most powerful reason with the Government for the course which they pursued. The opinion of the late Governor General (Lord Hardinge), who can have no possible interest in the matter, is the same: and I think, when the noble Earl comes before you to-day and changes his opinion upon this point, and gives the reasons why he does so, that the question of delay may be considered as good as settled, and can only be moved now in a party spirit, which I should deeply regret to see mixed up in so important a question as this. I shall, therefore, at once proceed to notice some of the subjects to which the noble Earl has reverted. Referring then, my Lords, to what fell from the noble Earl on the subject of the Government measure, I should wish to be permitted to say some few words upon a portion of the subject which was omitted from his speech. I have always observed that while he certainly is not very sparing of his censures on the Court of Directors, he has never to the full extent joined the chorus in proof of the misgovernment resting in certain abuses which are said to be still in existence in India; and I attribute this to the fact of his superior knowledge. Knowing what difficulties there are to be dealt with in that country, he makes allowances accordingly. But as this is not the case with others, I may perhaps be allowed to make some remarks upon the principal charges of misgovernment in India, showing where I think they are exaggerated, and where they may be easily remedied. Perhaps also I may go into the question whether under each of these heads similar charges might not very plausibly be brought against a Government, which, while we admit that there are certain anomalies in it, and that it is a system of checks and compensations, which often for a time delay the affairs of Government, yet is, as I am sure every Member of your Lordships' House will admit, that Government which of all others in the world gives the greatest security to life and property, and affords the greatest freedom of thought, word, and action. I need not say that I am alluding to our own Government of Britain. The first and perhaps the most important charge which is generally brought forward relates to the administration of justice in India. It is said that the law is incomplete, that the Company's judges have not sufficient knowledge of the law, and that they are too young to exercise the important functions belonging to them, while the judges of the Supreme Court have not the knowledge which they ought to have of the habits and customs of the native population. They say that the course of procedure is expensive. They refer particularly to the stamps in processes; and much stress is laid upon the fact of the great delay which has taken place with regard to the institution of a general code for the whole of India. Now, my Lords, after hearing the whole of the evidence that has been given before your Committee, I think that there is clearly a great exaggeration with regard to the incompetency of the whole of the judges belonging to the India Company. That there does exist a certain amount of incompetency I will not deny; but I must beg the House to consider the difficulty with which the Government had to deal in the establishment of any administration of justice whatever, since the time when they took that country from the natives who occupied it, and who, previous to that time, were entirely ignorant of justice being administered in the way in which it is understood in Europe and in civilised countries. They had to construct the whole machinery at a time when our own laws at home were singularly cumbrous and complicated, and were only made bearable by the excellent administration of them. They had to take out lawyers totally unacquainted with the language and habits of the country, and in sending out young men, there was the difficulty, I think not successfully contended with, of educating them to the highest point before intrusting them with these important functions; but that is exactly one of the matters in which improvement is to be made, and it is one on which, I think, we could not with justice found any reason for the abolition of the existing Government. What is the state of the law here at this moment? I will not refer to the important question of the law of evidence, to the institution of trial by jury itself—both of which are now subjects of inquiry—to the transfer of property, or to a thousand other such questions; but I will ask your Lordships how long is it since the reforms sought for for so lengthened a period in the Court of Chancery have been consummated? I remember at the beginning of last year receiving a letter from an attorney who was unreasonable enough to complain of a denial of justice, because his cause had been more than three or four years before the High Court of Chancery. I was unable to give any answer myself to his complaint; but I sent his letter to Lord Chancellor Truro, who, with that great courtesy which always distinguishes him, sent me a long autograph letter, explaining how it was quite in accordance with form that the cause had been so long in being settled, and stating the reasons why it would be impossible to accelerate to any great degree the future hearing of that cause. I forwarded his Lordships' letter to my correspondent, who, I hope, was satisfied with it, though if he had been making a speech or writing a pamphlet against the judicial institutions of this country, its contents would have given point to his arguments. With regard to the introduction of one general code into India, we have heard what the noble Earl has himself said upon the difficulty of such a measure. Twenty years ago the same difficulty was found to exist; and the Duke of Wellington, I remember, said that it would be utterly impossible to introduce such a general code for a people who differed as much in their habits, customs, and manners as the inhabitants of the north and south of Europe. Yet it has been made, not by the noble Earl I admit, but by all others who complain of the administration of justice in India, one of the gravest charges against the Company that seventeen years have elapsed without carrying that code into effect. And what is the state of things at home? Why, the noble Lord upon the woolsack had been openly twitted in this House as an "amiable enthusiast," for hoping to see in his lifetime a portion of our own law consolidated into one code. Now though I do not think the noble and learned Lord too sanguine in his anticipations, I am, bearing in mind the evidence given before the Committee, even more sanguine that the Indian code will win the race after all. Another charge is the amount of stamps upon law procedure. It is doubtless a very unfair tax; but a large revenue is derived from them which it is not easy to dispense with in one moment. I do not think, however, that we have much to boast of at home. What is the case here with regard to the very last Courts which you have established in this country? Nearly your very last law reform was passed almost for the purpose of securing a cheap mode of justice; and yet a noble and learned Lord comes down here twice a week on the average to remonstrate with your Lordships that 24 per carefully he abstained from accepting any support to his own views either from the Committee or from the witnesses, which did not appear to be in most strict and exact accordance with the truth—I am bound to acknowledge my entire belief that the paramount feeling in the mind of that noble Earl is the good of the public service. In stating this in your Lordships' House, and in the presence of the noble Earl, I am only repeating what I frequently said to other Members of the Committee, whom, I may add, I have always found completely to concur in the justice of these observations. Some additional proof might be found, if it were wanted, of the public spirit of the noble Earl, and of his fairness and candour in the way in which he commenced his speech to-night, when he avowed that he attached no blame to the Government for not having delayed legislation upon this subject. When I see Indian reformers, as they are styled, stating that they are ready to legislate if measures are proposed in accordance with their views, I think that they cut away the ground for delay so far as they are concerned. But I am bound to admit that there may be other more weighty arguments for delay than those which those Gentlemen are in a position to urge. Clearly, as far as Members of the Government are concerned, and their personal ease and Parliamentary convenience go, nothing would have been better for them than to defer legislation for two or three years, as the noble Earl proposed, or, still better, for five years, as was suggested by the noble Lord on the bench opposite (Lord Monteagle). But we should have incurred a grave responsibility —attribute what motives you choose—and here I must observe that the only part of the speech of the noble Earl which I did not like to hear was that in which he attributed motives to so respectable a body as the Court of Directors really are—I say we should have incurred a grave responsibility if we had refused to listen to the representations of the Directors when they solemnly told us that we should be doing the greatest possible injury to India if we allowed any delay to take place in this matter. Such a warning, surely, could not be totally disregarded. 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Referring then, my Lords, to what fell from the noble Earl on the subject of the Government measure, I should wish to be permitted to say some few words upon a portion of the subject which was omitted from his speech. I have always observed that while he certainly is not very sparing of his censures on the Court of Directors, he has never to the full extent joined the chorus in proof of the misgovernment resting in certain abuses which are said to be still in existence in India; and I attribute this to the fact of his superior knowledge. Knowing what difficulties there are to be dealt with in that country, he makes allowances accordingly. But as this is not the case with others, I may perhaps be allowed to make some remarks upon the principal charges of misgovernment in India, showing where I think they are exaggerated, and where they may be easily remedied. Perhaps also I may go into the question whether under each of these heads similar charges might not very plausibly be brought against a Government, which, while we admit that there are certain anomalies in it, and that it is a system of checks and compensations, which often for a time delay the affairs of Government, yet is, as I am sure every Member of your Lordships' House will admit, that Government which of all others in the world gives the greatest security to life and property, and affords the greatest freedom of thought, word, and action. I need not say that I am alluding to our own Government of Britain. The first and perhaps the most important charge which is generally brought forward relates to the administration of justice in India. It is said that the law is incomplete, that the Company's judges have not sufficient knowledge of the law, and that they are too young to exercise the important functions belonging to them, while the judges of ing their minds to acquire some knowledge of the institutions of this country. The next subject to which I will allude is one of great importance—the financial condition of India. The revenue is chiefly gathered from the land tax, the salt tax, and opium. I turn to the revenue of India, which is derived from land, salt, and opium. With respect to the opium revenue, to which great objection is taken, it is only fair to state that the continuance of the duty was recommended by the last Parliamentary Committee that sat on the subject, and, therefore, the Legislature and not the Company ought to suffer reproach, if reproach be deserved on this subject. As to the salt duty, it is doubtless objectionable that the Government should establish a monopoly; but it is some compensation that the tax is levied in a way least unsatisfactory to the people, and that, although it has been considerably reduced, the amount collected last year, of which we have any account, was greater than at any former period. The land tax, as your Lordships are aware, varies in different parts of India. When the English took possession of Bengal, they found a system which entirely denied the rights of property. They saw the evils of this, and introduced a perpetual settlement; but it is unfortunate that, in ignorance of the customs of the country, we introduced a system which inflicts great personal hardship on those to whom it applies. At the same time it cannot be doubted that, generally, Bengal has improved, and no person can traverse the country without seeing on every side manifest signs of prosperity. Some injustice still continues; but, according to the evidence of Dr. Duff, who is entirely unconnected with the Company, and as great a friend of the Natives as ever existed, the fault is attributable not to the Government, who would remedy the injustice were it brought to their knowledge, but to the want of energy on the part of the Natives to make their grievances known. The ryotwar system was introduced by one of the most eminent servants of the Company, and one of the greatest statesmen India ever produced, Sir Thomas Monro; but although opinions vary as to its merits, many contend that great disadvantages are connected with this mode of taxation. As regards the village system, which prevails in the North-western Provinces, there seems to be a general agreement in its favour among those most conversant with the subject, because, while it respects the rights of property, it conciliates the usages and customs of the Natives. To what extent this system can be introduced in the other Presidencies, is a question which it would not be safe for this House or the Home Government to determine. That is a matter which I agree with the noble Earl in thinking must be left—with many other important questions—in the hands of the Governor General, The financial system of India is not good; but when it is borne in mind that we have only lately reformed our own financial system, it would be somewhat unreasonable to insist at once and immediately upon the reformation of that of India. Any financial reform would doubtless tend to facilitate the promotion of public works which has been much dilated upon, and which is the next head to which I will address myself. When speaking on this subject a short time since. a noble Earl referred to the magnificent buildings erected by Ackbar, and asked us to contrast them with the public works we have ourselves performed. But I cannot look upon the erection of palaces and such like buildings as any evidence of a good government or a happy people. We should not be inclined to acknowledge that the Pyramids, or the imperial roads, or the Palace of Versailles, must be taken as proofs that at the time of their execution the Governments were better and the people happier than they are now. Look at the magnificent Abbey in our immediate neighbourhood. I defy any one to point to a church built within some hundreds of years which equals it in beauty; and yet I believe there is no man in either House of Parliament, except, perhaps, the noble Lord who recently presided over the Woods and Forests (Lord John Manners), who thinks the Government which existed in England at the time the Abbey was built, was better than that of the present time, or that the people then were happier then they are now. Perhaps, the only modern building that we can look on with anything like a feeling of national pride is the magnificent structure in which your Lordships are now sitting; but, so far from affording the slightest evidence of good government, it appears to me to owe its magnificence, as a whole, and its beauty in detail, partly to the professional skill of the architect, but quite as much to that peculiar quality of his mind—whether it be called firmness or obstinacy—which has enabled him to set at defiance the attempts of successive Governments to control his architectural fancies. The execution of many public works in India has been delayed by the enormous expenditure incurred during successive wars. At the same time, something has been done; during the last five years the expenditure on public works has been nearly doubled. The great trunk road from Calcutta has often been referred to in terms of reprobation, but even here a great improvement has taken place. On a former occasion I acquainted the House that the son of the late Chief Justice Bushe had recently travelled on this road at the rate of from 8 to 10 miles an hour, and that he found no bridge broken down except one over the river Soave; and when I added that there might possibly be natural difficulties opposing the construction of a bridge over that river, the noble Earl (the Earl of Ellenborough) started up and said that whatever else the Government might do, he hoped they would not attempt to build a bridge over the Soave, because it must necessarily be carried over a tract of water and sand five miles in length. I mention this merely for the purpose of showing how useless it is for us to discuss matters of detail here. Some great works of irrigation have been undertaken. The Ganges Canal is being carried on, and will be completed in three years at a cost of 1,500,000*l.* With respect to all questions of public works, the Home Government must depend on the Government of India. The railroad question has recently assumed a more satisfactory aspect. No doubt, great mistakes were committed at the outset; but have we in this country nothing to reproach ourselves with as regards public works? Here, canals and railroads have wisely been left to individual enterprise; but what has been the result of our legislation on the subject? A network of canals has been established over the face of the country; we allowed railway companies to buy up a portion of them, by which means the public was deprived of the security for a continuous water communication throughout the country. Again, when railroads were established, a department of Government was instituted to control their proceedings; but Parliament refused to adopt the recommendations which this department furnished on the subject. The railway companies, left without control, have engaged in rivalries and squabbles with each other, and at length, unable to settle their disputes, have asked Parliament to do so for them. It appears from evidence given before a Committee of the House of Commons that 70,000,000*l.* — one-third more than the debt of our whole Indian empire—have been absolutely squandered in preliminary Parliamentary proceedings by railway companies. In justice, then, we ought not to pass too strong a condemnation upon the mistakes committed in connexion with public works in India. I cannot concur in the noble Earl's objection to a double government, and it really seems to me that the very plan he has suggested involves a system of double government. The noble Earl appears to have changed his views on the subject of a double government. With increased knowledge and experience the noble Earl is justified in changing his opinion; and I should be sorry indeed to find that any statesman in this country should hesitate to alter his views of existing institutions, from time to time, according to varying circumstances. The noble Earl, however, several years ago, expressed himself thus, respecting the form of the Indian Government:—

> "The present form of government has existed for more than half a century. Did the Ministers, then, imagine that it was formed by men who had no skill in the management of affairs, and that it might, therefore, be destroyed whenever its destruction was recommended by a modern theory?"

Then, after praising the authors of the measure, Mr. Pitt and Lord Melville, the noble Earl proceeded to say—

> "It had now stood the experience of half a century, and half a century, not of peaceful times, but of times of danger and of war—of danger the most imminent, and of war the most extensive—and it had gone through all these dangers increasing in firmness and power. After having stood the shock of wars and proved adequate to a great crisis, why was it proposed to alter this in time of peace, and to strengthen the Government, when, according to all experience, the business of Government was one of comparative ease?"

I may also refer to what the noble Earl said last year; because in all his remarks, whatever distinction he may make, he tends to the keeping up a double government. Last year, then, the noble Earl said—

> "I am willing to admit another principle, though I do so with very considerable reluctance—namely, the necessity of continuing the double government; and there should be a body of men interposed between the Government of India and the Government of England."—[*See* 3 *Hansard*, cxx., 566.]

And, after suggesting an elected Council of twelve in place of the Court of Directors, the noble Earl added—

> "I propose to leave the relations between the Council and the President as they now are be-

tween the Court of Directors and the Board of Control."

It is clear, then, that the noble Earl at that time contemplated no other change than a change of men, of numbers, and of names; twelve men elected by an enlarged constituency instead of twenty-four, and a body called a council in place of a court. In giving evidence before the Commons Committee, the noble Earl said—

> "I would propose to do away altogether with what is called the 'double government.' I would not have a despatch prepared by the Court of Directors and submitted to the President in the same way that it is now. One advantage of this change would be the abolition of the double government; but the members of the council should have the power of representation in the same manner as at present—the power of forming an opinion upon all subjects. Of course, the President would have the power of overruling his council in the same way he has now the power of overruling the Court of Directors."

I confess, it appears to me that the scheme of the noble Earl is essentially that of a double government, and that it would be liable to all the objections urged against that now existing. I cannot help thinking that the description given by the noble Earl of his course towards the Court of Directors is very likely to occur, although in a modified degree, with a person less energetic. If the Council found the President of the Board, whoever he might be, firm in opinion, and having formed an opinion that he choose to abide by it, you would either have a board of cyphers, or a board in open hostility to the President. The observations made by the noble Earl last year show that he considered it a settled point that the Direction is not to go into the hands of the Crown, but to remain independent of it. I think I need hardly go into the question of the cruelty shown to the Court of Directors in obliging them to mutilate themselves. There are certain cases which have been proved beyond a doubt, and which we desire to remedy. The fact that some of the best servants which the Court have, cannot be appointed except by canvass, which they do not like to undergo, is very objectionable. I think that will in some degree be obviated by the introduction of the six Government nominees in the manner proposed in the Bill. It is proposed that six of the members shall necessarily be Indian servants who have served for ten years; the object of which is clearly to have the appointment by the Crown entirely free from party objection. With regard to the remarks of the noble Earl on the subject of the Commander in Chief, I think the question worthy of further consideration, and will not at present venture to give an opinion upon it. I have not a word to say in favour of the constituency. If we were about to create the constituency now, of course no such body as the existing one would be formed. It exists however; and as to the suggestion for augmenting its numbers, I really think that would only increase an acknowledged evil, instead of correcting it. The fact that they are inclined to select a certain number of persons connected with the leading houses in the City, although deprecated by the noble Earl, is so strongly advocated by other parties, that I think it a most invaluable ingredient in the constitution of the Board of Directors; and although I do not wish to put any of these people higher than they deserve to be, I think it most likely to find very useful advisers on Indian affairs amongst such men. One of the great objections of the noble Earl to double government is this, that it is productive of great delay. There is no doubt if you carry out the principle of throwing the responsibility on the Government of India, you must have a Government at home more for superintendence and revision than anything else. In some cases a slight delay is not important; but it is far better to suffer some little delay than to decide matters too rashly and hastily. With regard to delay in matters of urgency, my hon. Friend, now at the head of that department, states that from what he has seen he does not think there need be the slightest delay in questions of real urgency and importance. I now come to the question of patronage, and I concur with the noble Earl in thinking that there is some disadvantage in the present mode of appointing in the civil service. I am told by competent authority that there is some deterioration in the health, when offices descend from father to son, in consequence of enervating influence in the climate of India. I am told too, that parents, in cases where they have secured the promise of a cadetship for a son, frequently send their sons to more inferior schools than they would do if the appointment were less certain. I have heard it stated that one of the principal reasons why a small Tartar dynasty has governed the immense empire of China for upwards of 200 years, has been that they have got the talent of the whole Chinese population by opening every official situation to competition. But I will refer to instances nearer home. There are the

Royal Engineers in this country, and the Indian Engineers. I believe that in those two bodies it is the rarest thing in the world to find a really mediocre man employed. With regard to the examinations, the objections of the noble Earl apply to the fullest extent to the system as conducted now. When you know what difficulties are to be surmounted in an examination, it is very easy to cram up for it; but when you prepare for an examination to be decided by competition, under the care of men of principle, it is not very likely but that the cleverest man will be the person who succeeds at such an examination. It is a striking thing, to begin with my noble and learned Friend now on the woolsack, that there are ten lawyers now occupying seats on the judicial bench who were very distinguished wranglers in the University of Cambridge; and, without adverting to any Member of the present Government, or of Lord John Russell's, some of whom took off the highest honours at Oxford, I ask your Lordships, when you hear the noble and learned Lord opposite (Lord Lyndhurst), who carries the House with him by an eloquence that we cannot resist, whether you think his energies have been diminished by sixty years ago having acquired the honour of a high wranglership at Cambridge? I would add to the list the name of the late Sir Robert Peel; and I think it is not necessary to say more to prove that persons who have taken the highest honours in such examinations are those who are most likely to distinguish themselves in whatever service they may be employed. The noble Earl dwelt with some degree of severity on the effect those examinations might have on the gentlemanly tone of the persons who might be employed; but my opinion is, that the examinations would have rather an aristocratic than a democratic effect; for I believe that a poor man will not be able to give his children the education that would satisfy the examination; while the aristocratic or the rich would be quite sure to give their sons an education that would make their way for them in these examinations; and I cannot conceive any reason why any man should shrink from putting his son in a position where, from his own merit, he would obtain such a prize and competence for life, rather than obtain it by the favour of any individual, however respectable he might be. Several other points were referred to by the noble Earl with regard to the government of India; and it is a great satisfaction to find that he agrees so entirely with the noble Earl at the head of the Government. One charge against the present measure is, that it will be likely to cause a frequency of Parliamentary debates on the subject; and the noble Earl thinks that that is a danger to be avoided. I entirely disagree from the noble Earl upon that question. I believe that great advantage (though some deny it) has arisen from the Parliamentary debates that have taken place from the time of Mr. Burke; and, though Parliamentary discussions, as to our colonies, may not have been favourable with regard to matters of detail, yet the result has been to establish the sound principle that wherever there is a colony of Anglo-Saxons they shall have the privilege of governing themselves. But that principle is perfectly inapplicable to India. It is my opinion that when you have this enormous array of servants carrying on a despotic government, it is desirable that Parliament should discuss these questions as much as possible; that each individual person in each individual act he does, shall feel the responsibility weighing upon him, and that publicity at any time may be given to it from such discussions; but, whether that is right or not, I think the question of debates on India will not depend on the double or single government, but on the general interests of the country; it will not depend on the proceedings of the President of the Board of Control, who is now perfectly well known to be responsible for every fault of omission or commission, but will depend on the interests of the country generally. I have to apologise to your Lordships for having detained you so long. I have avoided all attempt at declamation on a subject that might perhaps be tempting for that purpose. I have endeavoured strictly to show that there has been a certain amount of misrepresentation against the Government of India; that, even supposing the case to be true, you have almost got analogous cases in this country; but never would a man think for a moment of changing the form of government under which we live; and I have attempted to show that the Government have endeavoured to do that which they thought most desirable in this case. If they had consulted their own personal ease, they would have deferred it for two or three years; or if they had looked for popularity, they would have adopted the plan of a single government; but they have preferred continuing the Court of Directors, which was acknowledged by the Duke of Wellington —no small authority upon Indian matters —to be the best, the purest administered, government he had ever known, and the most calculated to secure the happiness of the people of that country. Her Majesty's Government have endeavoured to continue that; they have thought it safer to improve than to destroy, yet they have done it in such a way that if the Court of Directors, constituted under this Bill, does not come up to their expectations, upon the requirement of the public at any future time, when the necessity of the case demands it, the change will have been rather facilitated than impeded.

Lord MONTEAGLE complained of the course taken by the President of the Council in relying on the supposed opinions of the Governor General of India, in order to influence the judgment of their Lordships. It was unparliamentary to have done so. He, therefore, protested, on behalf of that House and of all the deliberative assemblies, against the course that had been taken on this occasion by the noble Earl in referring to a letter not before the House. From the time of the earliest Parliamentary discussions, no Minister had been allowed to refer to a public document which he had not previously laid upon the table of the House, and thus submitted to the examination and free commentary of other Peers. More than a century back this principle had been admitted in the House of Lords; and it was finally disposed of on the occasion of Mr. Adam's Motion in 1807. He must, therefore, set aside Lord Dalhousie's letter, unless the noble Earl undertook to produce it. The noble Earl had spoken of the importance of early legislation during the present Session, on the ground of the danger to India which delay would produce. But the very argument he used applied with double force against the course recommended by the Government. The argument was, that agitation would arise in India if this question was not settled; that there would be insecurity as to the future government of India if this legislation were postponed. This might be a logical argument if the Bill before them effected, or even contemplated, a permanent settlement. But it did no such thing. What was the scheme of the Government? Was it permanent legislation? Would it subdue, check, and annihilate agitation in India? On the contrary, if he knew anything of the question at all, he believed the course proposed would afford a greater bounty to agitation than any other measure that could have been contemplated. They apparently proposed, it was true, by a single measure, to include the whole question of the Government of India in one Bill. But their Bill had no stability or permanence within it. On the contrary, they claimed for their legislative measures a shorter duration than had ever before been granted; and they did this in a manner both with regard to Committees and Parliamentary proceedings, wholly without precedent, and wholly without justification. They left it to the discretion of Parliament next year, or any following year, to open even the one question which they pretended to settle. If agitation was apprehended, was not this the most certain method of creating it? How did they propose to deal with the local questions which the Native petitioners complained of? Did they mean to leave them to be settled in the next or the following year? And what questions did they leave open for settlement? They left open the question of the employment of Natives, the question of the land revenues, the question of improved laws, the administration of justice, the question of education; indeed he might say every other question the most certain to agitate the minds of the people of India. These were all reserved for future investigation. The noble Earl had referred to the opinion of the Duke of Wellington upon the subject, and in so doing had invoked the greatest name that could be adduced in such a question as this. But did he think that, with the recorded and declared opinions of the Duke of Wellington, he would have been satisfied with this proposal for settling the question of the government of India? It was a settlement in appearance only. It was not a settlement in fact. The Government were not only pursuing a course inconsistent with the declaration of noble Lords of high authority, but at variance with the ordinary proceedings of Parliament. What had been done with reference to this question? Committees had been appointed by both Houses of Parliament. The noble Earl the President of the Council had been an indefatigable and most useful Member of the Committee of their Lordships' House; but did he pretend to say that that Committee had expressed any opinion on the government of India? He knew that it had been stated abroad, and repeated in the clubs and public journals, that both Houses of Parliament had expressed an opinion in favour of immediate legislation for India. Now, in the presence of the noble Earl, and claiming his confirmation, he would venture to say that neither House of Parliament had done any such thing. The House of Commons expressed an opinion the most guarded, merely directing the attention of the House to the favourable tenor of the evidence with respect to the operation of the Act 3 *Will.* IV. c. 85, so far as it regarded the government of India. But, guarded as was this opinion, the Select Committee of their Lordships' House was still more cautious. The Resolution of the Commons was rejected, or rather amended, above stairs. The proposition of the House of Commons was laid before their Lordships' Committee by the late Lord Privy Seal. It was not adopted. It was objected to by the noble Lord the former President of the Board of Control (Lord Broughton), as committing their Lordships too strongly; and he moved as an Amendment, a Resolution to the effect that, the labours of the Committee having terminated, and a large field for investigation being left open, a renewed inquiry be recommended. The Resolution merely added at its close that the general tendency of the evidence was favourable to the existing system of government. Less could hardly have been said on such an occasion. Therefore, so far from the Government having received the slightest support from either Committee in their determination in favour of instant legislation, the course taken by both Committees was systematically and pointedly to exclude such legislation. So far had either Committee acted on the supposition that their evidence was closed, and their report on the Government made, that during the present Session they had concluded their examination on this subject. If there was any truth in the assertion that evidence of this supposed termination of this part of the inquiry was to be found in the proceedings of last Session, why did not the Government introduce their Bill at an early period in the present Session? If the reports were made, the subject was ripe for legislation. Government were bound to have introduced their Bill on Friday. They might have done so on their own hypothesis, and their Lordships would not have been called upon to discuss in June a measure which would not reach them till July, when all discussion would be unavailing. He thought he had now completely disposed of the assertion that immediate legislation was justified by the authority of Parliament. He had shown that they were setting aside the authority of both Committees in not awaiting their Reports. But there were other facts of material importance in connexion with this matter. The noble Lord now the leader of the House of Commons, in speaking on this subject, distinctly stated, when the Committee was originally moved for, that the proposition to be made by the Government at a future time was to be submitted "after the Committee should make their reports." The noble Earl (Lord Derby) at that time the head of the Government, went still further. He stated, "By the Reports of the Committee the Government are ready to be guided in the course they will pursue; and to those Committees must be deputed the important task of considering how the affairs of India are hereafter to be conducted." Here were the opinions of the leaders on both sides, and they concurred in the necessity of awaiting the reports. Yet now Parliament was called upon to legislate in anticipation of those reports. Therefore, whether he looked to the principle of the case, whether he looked to the authority of Parliamentary proceedings, or the authority of the leaders on both sides of the House, he could not see the slightest possible excuse for proceeding with inconsiderate, ill-advised, and premature legislation. The noble Earl had asserted that if the Government had consulted their own convenience they would have postponed this legislation till another year. He had heard it said, on the contrary, that the real reason why they were called on to legislate at present was, that if they deferred their measure till next year it would not interfere with the new Reform Bill. He did not think such a reason as that likely to recommend Parliament to the esteem and consideration of the people of India. Lord Grey's Government had, in 1833, acted on higher and more statesmanlike motives. He now came to deal with the further difficulties which ought to be overcome before the Government proposition could be entertained. His noble Friend knew that he had not been an inattentive or indifferent Member of the Committee; but he stated plainly that, after two years of laborious investigation, he was not in a condition honestly to pronounce an opinion upon the whole of the evidence before him.

He asked for time to deliberate on such a question. But if this was required by one who for two Sessions had laboured in Committee, was it not more necessary for the great majority of the House, to whom the evidence had not been even now reported? Was it not required by the public whose opinion ought not to be slighted? Time was given in the year 1833. The proceedings then taken were very different from the present, for Parliament had been afforded a full opportunity of considering what had been done. Sufficient time ought now to be allowed to consider the evidence which had been taken, and he was sure their Lordships would be glad of the opportunity of reviewing the whole of the evidence. Now, with respect to the question of double government. The proposition of the Government in this respect was most extraordinary. So much did they seem to be enamoured with the principle, that they were about to introduce a double government within the Court of Directors itself. Within that Court they would create, practically, a new double government. The new constitution of the Court of Directors would be as essentially a double government as any that now existed. On what did the Government rely in anticipating the success of this experiment? Not a past experience assuredly. In how many colonies of the Crown had the principle been adopted of uniting, in one deliberative assembly, persons selected by nomination and persons elected by the people? In what single instance had it succeeded? Would the Secretary for the India Board inform the President of its success in Australia? Would the Colonial Secretary or Sir W. Molesworth point with triumph to the Cape of Good Hope? He believed they would find it most difficult to point to any solitary instance of success in a case where, in a deliberative assembly they introduced six gentlemen nominated by the Crown, whilst twelve other members were elected by another constituency. Of that constituency he need say but little. Parliament were called on to adopt, as the mode of returning two-thirds of the new governing body of India, that constituency for which the Minister of the Crown, in defending his measure, could not find a word of apology, except that he found it established. Was this the kind of legislation to be adopted for India? No Committee of their Lordships would allow such a principle to prevail with respect to the most insignificant parish vestry regulated by a private Bill, for they would see and declare a constituency like that of the proprietors to be inconsistent with common sense and public policy. He would tell their Lordships why he mistrusted the Directors of the East India Company, and why he dreaded their continued influence, except under a Bill containing very different provisions from the present. He could state his opinions the more confidently, because his conclusions, formed on the evidence, were entirely different from his opinions when he entered the Committee. He would not go into any bygone histories. He would only consider how the East India Company had administered its great functions from the passing of the last Charter in 1833 to the present time. Their Lordships were at least bound to inquire whether everything had been going on well during that term of twenty years—whether the public works had been fairly proceeded with—whether the judicial system was subject only to difficulties which it had in common with the judicial system of England, and were only suffering from such imperfections as they shared with all human institutions—whether education had been extended—whether the faith plighted to the Natives in the 87th section of the Act of 1833 had been faithfully kept. If this were so, then they would have reason to continue the government; but, on the other hand, if the engagements of the last Charter Act had not been fulfilled, but, on the contrary, if they had been trampled under foot—if its obligations had been disregarded—if those to whom it confided great powers for the benefit of others had betrayed their trust, then it behoved Parliament, in the discharge of its sacred trust, to be cautious in again conferring similar powers liable to similar abuse. On the answers given by the evidence taken before the Committee to the questions he had put, he based the difficulty he felt in agreeing with noble Lords. He could give signal instances of the neglect of the Act of 1833. That Act, for the purpose of insuring that there should be a better system of legislation in India, provided that there should be established a Law Commission to provide means for enacting better laws and better modes of procedure. That Law Commission was established under the authority of the Bill, and it was contemplated that it should possess continuing authority. It was consequently enacted that vacancies in the Commission should be filled up as they occurred. The Commission was intended to be the adviser of the Supreme Legislature of India, in matters of legislation; but what happened with regard to the Commission and its functions? The Government appears to have found this Law Commission somewhat troublesome, and took legal opinions to ascertain whether they would be justified in putting an end to it. The reply was in the negative, and stated very prudently that Parliament only could undo what Parliament itself had done. But the Company were not to be foiled. They did not venture to apply to Parliament, but they repealed practically the clause of the Charter by their own authority. They did this by declining to fill up the vacancies in the Commission; thus they deprived the people of India of the benefits which the institution of the Commission was intended to supply. He said that this was a distinct evasion by the Company —and not through ignorance—of the obligation cast on them by law. And this was not the only case of the kind. The Act had provided to deal with the question of patronage, and to guard against its abuses, doing so with as little interference with the Company as possible, by requiring four persons to be nominated in case of vacancies for the civil service, of whom one—the fittest—should be selected by competition, and after a fair examination. The East India Company had set that entirely at defiance; and in no one instance, from the passing of the Act up to 1837, when they were released from this obligation, did they ever even make an attempt to carry the Act into execution. It appeared that in 1837 the Company had a communication with his noble Friend (Lord Broughton), then President of the Board of Control. On the representation being made to him, he agreed to suspend the fourfold recommendation; and an Act was accordingly brought in enabling them to suspend and revise that system. They suspended it; but it never was revived, though the reasons suggested for the suspension were temporary only, and had ceased to exist; and thus, from the Act of 1833 to the present time, the experiment had never been tried. The next question to which he came was as to the power of the Legislature of India. These powers were created by the Act of 1833, and were very extensive. The colonial power of disallowing Acts was not applicable to the Supreme Legislative Council of India. If an Act was disapproved of by the Home Government, it was returned to India to be repealed there. With the exception of a very few specified cases, the Supreme Legislature in India had authority to legislate as in their judgment they thought fit. And how had the Company dealt with this matter? The Court of Directors had not only sent back to the Legislature Bills which they had prepared and approved of; but, not satisfied with this, it had gone the length of putting an inhibition on the authority of the Legislature, forbidding them from entertaining Bills of that character thereafter, without the previous consent of the Home Government. That, also, was a direct contravention of the Charter Act. The Court of Directors, having only the power of dealing with the Act when passed, denied to the Legislature of India the right of discussing the Act at all. The conduct of the Home Government in respect to the reform of the laws of India, was equally without justification. They might have availed themselves of the labours of the Law Commission; but not one of the Bills sent over by the Commission to the Directors had been permitted to pass. But far exceeding all these in importance was the question of the employment of natives in India. Not one word had been said by his noble Friend on this subject, which was, for all that, the most important question that Parliament was now called on to consider. But before entering upon it he was desirous of obtaining some explanation of the meaning of the present Bill. The question which he wished to ask the Government was this—whether the principle of competition proposed to be applied to the civil service would be extended to natives of India, as well as to European born subjects of the Crown? Supposing the case of a native medical student, being the Queen's subject, born at Calcutta, would he be admitted to the free competition for a medical appointment in the same manner as if he were British born?

Earl GRANVILLE, in answer, had not the slightest hesitation in saying that if natives of India arrived here competent to pass the required examination, they would gain the appointments awarded in free competition the same as if they had been born in Europe.

Lord MONTEAGLE said, that he received this reply with the greatest delight, less from any large immediate consequence to which it would lead, than from the all-important consequences to which it must lead in carrying out ultimately the full meaning of the 87th section, and the intention of its framers. It had been stated by Lord Lansdowne, in 1833, that there should be an entire equality among the subjects of the Queen in whatever land they were born, and whatever their colour or their religion. He considered the engagement now given by the Government through his noble Friend to be an accomplishment of this. This would be the entire destruction of the monopoly of what was called the covenanted service, as now understood. He was mistaken if there had not been, with regard to these covenanted appointments, a violation of the law of 1833 as it last passed. No one native had, during the last twenty years, been appointed to any one office to which he would not have been eligible before the last Charter Act. This he considered to have been a nonfulfilment of the 87th section. Seeing that in so many instances that Act had not been complied with, Parliament ought to take precautions, in whatever enactment they now passed, not only to ascertain that the enactment itself was wise, but also to provide that it should contain within itself the means of its enforcement. The Company had evidently not fulfilled their duties with regard to public works, and the promotion of agricultural and commercial improvements. Great allowances were to be made for them in these respects, as, no doubt, the resources which in time of peace would have been applied to these important purposes have been dedicated to wars, for some of which the mother country was responsible rather than the Company. But, as he had shown, there were too many other instances in which, without any similar justification or excuse, they had failed to perform their duty. In short, the East India Company stood before them guilty of having violated some of the fundamental laws passed for the happiness of India—including the employment of natives, the selection of civil servants, public works, improvements and irrigation, the encouragement of the settlement of the English in India, the improvement of the law, and the reform of the judicial and revenue system. The Company, then, had no right to unlimited favour and confidence at their Lordships' hands. With respect to the authority of Lord Dalhousie, in favour of immediate legislation, he must again protest against the use made of that document, unless the whole of the noble Lord's letter, and indeed the whole correspondence, were produced. He begged to inquire whether there would be any objection to produce the letter of Lord Dalhousie, to which reference had been made, and all the documents in connexion with it? He stated, and defied all contradiction, that it was the usage of Parliament that no document should be referred to by a Minister of the Crown unless it were produced for the general information of the House.

The Duke of ARGYLL desired to say a few words in reply to the observations which had fallen from the noble Lord, but in the state of the benches [*there were only six or seven Peers present*] he should confine himself to two points—namely, the question of delay, and the question respecting the "double government." With regard to the point of delay, he found there were two parties who urged it—some who sincerely and honestly believed that not sufficient evidence had been furnished them to enable them to come to a satisfactory conclusion on the facts; others, he suspected by far the majority, who had come to a most decided opinion of their own on many points with regard to the government of India, who were aiming at a foregone conclusion, and who urged delay simply on the ground that by further agitation they thought they would be able to force a measure of their own on the adoption of Parliament. There could be no question to which of these two classes the noble Lord (Lord Monteagle) belonged. The noble Lord urged delay, because he had not quite made up his mind on all the points of detail. But was it necessary that they should delay legislation because the noble Lord's mind was not made up on questions of detail? The subject of inquiry to which the attention of Committees of both Houses was directed was most extensive, and they had, he believed, as yet only reached the fifth section of the inquiry. But it would be impossible, even if they were to wait until the Committees had concluded their inquiries, to legislate upon all the points. The noble Earl who introduced the subject had told them clearly and plainly that the Imperial Parliament ought not to attempt to legislate upon the details of Indian Government. What necessity could there be, then, for the noble Lord (Lord Monteagle) being so anxious about delay? But the truth was that the real motive of those who urged delay, and who brought forward such grave charges against the present system of government, was a desire to upset the whole of that system. It was declared by them to be an anomaly. This merely meant that it did not square with some abstract principles of government assumed by those who so spoke. If judged in that way, every system of government might be declared an anomaly. The late Mr. O'Connell had once declared that the existence of the House of Lords was an anomaly, and that if the country was to have hereditary legislators it might just as well have hereditary tailors. But when they said it was anomalous, what did they mean? There was nothing anomalous in giving the power of ruling a country to those who had acquired it, and who carried on the traditions of its government; and statesmen must argue, not on abstract principles only, but in reference to the circumstances under which the country was acquired, and the acknowledged principles on which the government ought to be conducted. The most plausible argument he had heard as to what was called the single government was, that we ought to require greater responsibility on the part of the governing power. But if they considered that the real government of India must always be the government in India, they would see that there must still be a government of review at home; and if there were attempted a system of sole responsibility, the single Minister must still have a Council to advise. There must always be a divided responsibility between the Indian Minister, the Indian Council, and the Government of India; so that, after all, it must be, more or less, a system of double government. It was not fair, when the whole system of India was under review, to charge against one part of the Government the faults and shortcomings which belonged to the system as a whole. The noble Baron had instanced the Law Commission as having lapsed by the fault of the East India Company alone. That was not a correct statement. The terms of the Act of Parliament were, that a Commission should be issued by the Government in India, the appointments being made by the Court of Directors, with the concurrence of the Board of Control. Vacancies occurred, which were not filled up, and the Commission ceased by the non-exercise of the powers conferred by the Act. That being so, he maintained that the Board of Control and the various branches of the Indian Government were responsible for the lapse of the Law Commission, and that it was not solely due to the Court of Directors. Another instance brought forward by the noble Baron was, the alteration of the curriculum required for civil appointments. He believed it was perfectly true that, by the influence of the Directors, Parliament was prevailed on to alter the Act of 1833; but both the Board of Control and Parliament itself were responsible for it, and it was not fair to visit on the Court of Directors what might have been obviated by the caution of the Board of Control or of Parliament. In the then state of the House, he should not go into any details with regard to the Government Bill. The measure was not before them. The details were hardly yet before the other House of Parliament, and it could hardly be expected that the Government should be prepared to defend on that occasion all the clauses of the Bill. The many valuable suggestions thrown out by the noble Earl who had introduced the subject (the Earl of Ellenborough) would undoubtedly afford matter for discussion in both Houses, and when the Bill was before their Lordships it would be time enough to take the details into consideration. Before concluding, however, he wished to say a few words on another point. There was apparent among those who supported what was called a single government a desire to represent that question as intimately affecting the welfare of the people of India, and to argue that the greatest improvement in their condition could be brought about by the change. He could not think that the welfare of the people of India would in any manner be promoted by bringing the affairs of India more directly under the influence of the House of Commons. Not that he had any fear of Parliamentary discussion, or the expression of public opinion: on the contrary, he had the greatest confidence in, and he placed the highest value on the matured public opinion of the people of this country. He was sure that frequently it had had a most beneficial operation on the East India Company, forcing upon them measures which they otherwise would not approve. Most heartily did he believe that it was due to that public opinion that some of the greatest measures of improvement in India had been effected. He believed it was due to that influence that they had rescued the widows from self-immolation; and, so far as the law at least could do so, had put an to slavery. He believed that it was due to that influence that they now witnessed a growing desire to extend education in the arts and sciences, and to promote the blessings of Christian civilisation; and last, though not least, he believed it was due to that influence that, by a law which, he grieved to say, had received opposition in their Lordships' House, they had established the principle of perfect freedom of religious opinion. But, although he had the greatest confidence in the matured public opinion of this country, when brought to bear on the government of India, he frankly confessed he had not the same confidence in that spasmodic and violent interest shown during the last few weeks in concocting paper constitutions for Indian government; and when the noble Lord began by stating they had introduced a measure unsettling everything, and settling nothing in the government of India, he could not refrain from remarking to his noble Friend near him, that there was all the difference between public opinion brought calmly and steadily to bear from time to time upon such evils as were proved in connexion with Indian government, and that violent public agitation which was brought to bear at one single moment on what was called "the renewal of the Charter." He conceived the greatest possible advantage would arise if the interest now manifested should settle down into a more lasting and more continuous interest in the affairs of India, and a deeper feeling of the responsibility under which the people of this country lie, as to the conduct of that great empire. He should rejoice in such a result, and he believed the measure of Her Majesty's Government would give that public opinion every facility to work and find expression, whilst at the same time it put an end to that periodical revision which was the greatest mischief and the greatest detriment to the Indian empire. He was convinced that the views of the noble Earl who introduced this discussion, whatever they were, with regard to the government of India, were formed entirely on his own great experience and extensive knowledge, and were utterly independent of those party combinations which existed in this country. He had been delighted to listen to the expression of his opinion, and he rejoiced to hear the noble Earl say, that, looking to the present condition of India, looking to the precarious footing on which peace was maintained, and looking to the circumstances of the Indian Government itself, it was his opinion now, whatever he might have been inclined to think before, that it was the duty of the Government to proceed, and settle this great question; above all, when he understood that opinion was expressed by the noble Lord now at the head of the Government in India. That opinion would probably not be without weight in another place, and in the country. Respecting the letter from his noble Friend the Governor General, to which reference had been made, the noble Baron (Lord Monteagle) seemed to suspect that fishing questions had been sent out to the Governor General. His suspicions were entirely unfounded. It was a voluntary and spontaneous expression on the part of Lord Dalhousie, of a strong feeling that, whatever was done with regard to the government of India, delay should not take place, otherwise the authority of the English empire might possibly be endangered. And when he was told that that was a chimerical fear, because the natives of India were too ignorant to understand the questions debated, and possessed too little information with regard to the institutions and laws of the country, his answer was—their ignorance, and their ignorance alone, was the only cause for fear. If they knew that hardly any change would take place in the administration of Indian affairs, even if there were a change in what was called the double government, there would be no danger, but it was because they expected some great undefined change in their position, that anything tending to loosen the reins of authority was to be avoided. It was perfectly apparent, from the accounts sent home, that an agitation had risen up in the Presidencies, which was seriously inconvenient, and that expectations were raised in the minds of the Natives which must end in bitter disappointment. Upon the occasion of presenting a petition at an early period of the Session, he expressed a doubt of the propriety of the language used, for which he was severely censured. He was glad, however, to observe, that on a subsequent occasion a similar warning was given by the noble Earl, who said, "It was high time the natives of India should understand that whatever change was made in the government of India, there would be no such changes as they seemed to anticipate." It was most dangerous that these expectations should be raised. He held it to be perfectly unnecessary to postpone legislation. The House and the country were fully informed on that branch of the subject upon which it was proposed to legislate, and, dreading the effects of delay, he did hope that no opposition would be offered in either House of Parliament to the measure which—at variance not only with their personal but their party convenience—Her Majesty's Government had thought fit to introduce.

The MARQUESS of CLANRICARDE said, that he had never heard a more authoritative and less argumentative speech than that of the noble Duke on the question of immediate legislation. But what he wanted to know was, whether their Lordships were or were not to be allowed to see the letter of Lord Dalhousie, which had been asked for? It was against the well-known Parliamentary doctrine that was often adverted to, and which he had never heard questioned, namely, that a Minister of the Crown ought not to quote an official document without producing it. Lord Dalhousie, when he gave the opinion which had been quoted from that letter, had no idea whatever of the state of things in England at that moment, nor of the plan which the Government had proposed. It was merely an opinion; but he should like to see the grounds on which Lord Dalhousie had come to that opinion. Without seeing the argument, he certainly could not place much faith in the opinion. The Government themselves had assigned no sufficient reason why delay should not take place in legislating, excepting that an agitation had been got up in India which it was desirable to stop. Why, they were told, on excellent authority, that the measure of the Government was calculated to keep up agitation, and they were also told that the measure of the Government was not intended to be permanent, but was considered by themselves to possess only a transition character. He thought that a very good reason for delay was furnished by the fact that it was utterly impossible for any one to read and digest the evidence taken before the Committees of both Houses. Since the measure of the Government was introduced, a great deal of the most important evidence had been adduced before those Committees. No doubt, the great question to be settled was the form of government, whether it should be double or single. Though strongly objecting, neither the noble Earl nor the noble Duke had given any reason in favour of the system of double government. Objections against it existed in great force and great numbers. None were more forcible than the delay and the expense it occasioned. The plan proposed by the Government would remove neither of these objections. The system of double government, besides, had sheltered the person who was really responsible—the President of the Board of Control. This system might have been convenient to the Ministry of the day in former times, so far as Parliament was concerned, but that was all found out. As Mr. Halliday had said in his evidence before the Committee, the sham was discovered, and was known as well in India as it was in England. He desired to express his great satisfaction at the statement of the noble Earl (Earl Granville), that the Natives of India would hereafter be eligible for the highest civil appointments. That certainly was a great step; but to make it really beneficial, it ought necessarily to be accompanied with a general and thorough system of education.

The EARL of ALBEMARLE quite agreed with the noble Marquess who had just sat down as to the expense of the double form of government. In point of fact, however, there was no such thing as a double government, though it was generally declared to be so in order to hide the responsibility. His objection to it was, that, with all its other inconveniences, to which he would not then allude, its expenses were so enormous as utterly to preclude any expenditure or other measures adapted to promote the wellbeing of the country. The noble Earl (Earl Granville), had spoken very sanguinely of the great attention that would be paid to the education of the Natives, and to a matured system of public works. But, in his opinion, so long as this system of double government existed, it would swallow up the whole of the revenue of the country, and utterly preclude the idea of any general improvement in the system of public education, or any attention to the intellectual and physical development of tha Natives. A great stress had been laid upon that portion of the Government plan which laid the higher departments of the civil service of India open to the Natives of the country; but, so long as their admission to this competition depended merely on a single clause in an Act of Parliament, which was liable to be set aside or disavowed by subordinate authorities, he, for one, must be allowed to state that his objections would remain as strong as ever. Much had also been said about the agitation which was being made on this subject. There were two kinds of agitation. There was a dangerous and a salutary agitation. The first arose from a desire to procure a better form of government; the second arose from the extravagance and the irresponsibility of the double form of government, and from the excessive taxation to which the Natives were subjected. On the latter point the Government of India had very frequently exhibited the most culpable want of good sense and propriety. They had persevered in levying taxes where the inhabitants did not resist; but where the inhabitants were strong enough to resist, they had invariably given way. He remembered an outbreak in 1810, at Benares, when the Government attempted to lay on a house tax in the province of Bengal. It was resisted in a most determined way. All the population left the town, the dead were thrown into the river because there was no one to bury them, and the Government at last abrogated the tax as to Benares, but laid it on other parts of the province. They had shown themselves to be partial and weak, and of all persons the Governor General of India was the least likely to give an impartial opinion, seeing that he was at all times surrounded by the nominees, the friends and relatives of the Court of Directors, whose views and opinions continually and naturally biassed his own.

Motion *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 13, 1853.

Minutes.] New Writ.—For Edinburghshire, *v.* Sir John Hope, Bart., deceased.

Public Bills.—1° Burial Grounds; Parish Vestries (No. 2).

2° Savings Banks; Savings Banks Annuities; Public Works Loan.

3° Bankruptcy (Scotland).

RUSSIA AND THE PORTE.

Mr. LAYARD: Sir, an announcement has appeared in the *Moniteur*, the official organ of the French Government, that M. La Cour, on proceeding to Constantinople, was furnished with instructions to call upon the French fleet if necessary, and that similar instructions were sent to Lord Stratford de Redcliffe, British Ambassador at the Sublime Porte; and that in pursuance of these instructions the two fleets have proceeded to the vicinity of the Dardanelles. I beg leave to ask the noble Lord whether this is the case, and whether the fleets of France and England have, according to this announcement, proceeded to any point near the Dardanelles—to Besika Bay, or as near those straits as they are enabled to do, under existing treaties?

Lord JOHN RUSSELL: I have to state, in answer to the question of my hon. Friend, that the announcement contained in the *Moniteur* is perfectly correct, and that orders have been given to the effect stated in the *Moniteur*. We have not, however, since the orders were given, received any account of the English fleet having left Malta, or of the French fleet having left Salamis, and proceeded to Besika Bay.

Mr. DISRAELI: Perhaps the noble Lord will tell us whether the instructions were given directly to the British Admiral at Malta, or to the Ambassador at Constantinople?

Lord JOHN RUSSELL: Orders were sent to the British Ambassador at Constantinople, giving him power under certain limitations, and in accordance with certain instructions, to call up the British fleet; and orders were likewise sent, by a different course, to the British Admiral at Malta, directing him to proceed to Besika Bay.

THE ASSAULT CASE AT PORTSMOUTH.

Sir FRANCIS BARING said, he wished to ask the right hon. Secretary at War a question with respect to the case of a sentinel who was convicted by the magistrates of Portsmouth for having, while in the discharge of his duty, committed an assault; and, affecting as it did the character of magistrates, the House would perhaps allow him to give some explanation. The right hon. Gentleman had, in answer to a question which was put to him upon this subject a few days since by an hon. and gallant Member, stated that upon consideration he had thought it right to direct that a fine which had been imposed upon the soldier should be paid out of the public funds. That decision of the right hon. Gentleman, of course, by no means implied a reflection upon the decision of the magistrates; but in the report of his speech the right hon. Gentleman was stated to have declared that he considered the decision of the magistrates to have been erroneous. Under these circumstances, it was a serious reflection upon them that in the performance of their duties, they had given an erroneous decision; and, besides, in a place like Portsmouth, where they had to stand between the military and the civil powers, it would materially diminish their usefulness if such an opinion from so influential a quarter should go forth without some explanation. He wished, therefore, to ask the right hon. Gentleman, whether he was, on consideration, prepared to say that the decision of the magistrates was erroneous?

MR. SIDNEY HERBERT said, that perhaps the House would recollect that when the hon. and gallant Member (Col. Dunne) asked his question with reference to this affair, he commenced it by stating that there had been an affray between a sentinel and a carter, who was endeavouring to take his cart across a place where instructions had been given that no heavy weights should traverse; and that the carter had struck the sentinel in the first instance. He (Mr. Herbert) took the liberty of correcting that statement, because it appeared to him, on the balance of evidence—there being a dispute upon the subject—that the sentinel was the person who struck the first blow. He could not, however, have cast any imputation on the magistrates, because it was no part of his duty to act as a court of appeal on their decisions, and he was too well aware of the difficulty of judging from reading depositions of evidence that had been given *vivâ voce* to attempt to pass such a criticism. If, therefore, the magistrates of Portsmouth—who, no doubt, intended to perform, and did perform, their duty with strict impartiality—conceived that he had thrown any imputation upon them, he begged to disavow having done so, inasmuch as he had no doubt that their sentence was in strict conformity with the law. He had no wish, in the observations he made on a previous evening, to convey any impression that the magistrates of Portsmouth had acted improperly.

METROPOLITAN SEWERS.

MR. CHARLES S. BUTLER said, he wished to ask the noble Lord the Secretary of State for the Home Department a question relating to the sewerage of a densely-populated district, of which he had given notice.

To render the question intelligible, it was necessary that he should explain, that at a Court of Sewers held on Tuesday last, a deputation from the inhabitants of Sydenham, consisting of medical and other gentlemen, waited upon the Commissioners to present a memorial as to the dreadful state of the sewerage in their district: they produced medical certificates, stating that it was in so filthy and unwholesome a state as greatly to affect the health of the inhabitants, and that it had been the cause of all the fevers in the district for the last four or five years. This statement was confirmed by Dr. Roberts, who stated that he attended a patient who was carried off in seventy hours, and there was no doubt that his death was caused directly from the poison arising from these drains. So dangerous to health were they, that if the hot weather should set in, it was impossible to say what the consequences might be. It was also alleged by the deputation, that certain new works that had been done by the Commissioners were worse than useless; in some cases the pipe drains had fallen in, and the black sewage was going down the roads as it did before. Now, Sir, in reply to these, and other similar statements, Colonel Dawson, one of the Commissioners, is reported to have said, that the only advice he could give to the inhabitants—and he gave it with regret—was to construct cesspools, the insides to be coated with cement. He would not trouble the House with any further explanation of his question than to remark that the Sanatory Commissioners conclude their third Report, dated 13th July 1848, by stating "That any delay in making adequate provisions for imposing obligations as to the improvement of house drainage, and the abolition of cesspools, is a delay in the removal of the most extensive sources of disease and mortality." The question which he had to put to the noble Lord was, whether, considering the enormous evils which had resulted from the system of house drainage by means of cesspools—a system opposed to the recommendation of the Sanatory Commissioners—the noble Lord approved the advice given by the Metropolitan Commissioners of Sewers to the inhabitants of the Ravensbourne district, to construct cesspools; and if the noble Lord did not approve such recommendation, whether he would take any steps to counteract the influence which such a recommendation must naturally have upon the minds of the inhabitants who had been paying rates for many years?

He would also take that opportunity of asking the noble Lord, if he was aware that there were twenty-eight miles of thickly-populated streets and places in the parish of Bethnal Green entirely without sewers or the means of sewerage, although the owners of the property had paid rates for nearly a century?

VISCOUNT PALMERSTON said, the question, bearing upon a very important matter, was one of great difficulty, and he was afraid with regard to an early remedy that difficulty was insuperable. There was a large portion of this metropolis—that recently constructed—which was totally destitute of sewers. There was also a large portion of this metropolis which had sewers, but where the sewers were ill-constructed, and in a state of great decay. Well, to make sewers where there were none, and to put into good order old ones which were defective and out of order, required a very large outlay. The Commissioners of Sewers had not at their disposal money enough to meet these different demands. The sum which they had was limited to the amount of rate levied upon the different districts; and the Commissioners were in a very disagreeable situation for any public officers to find themselves in—they were called upon by almost every part of the metropolitan district to lay out a large sum of money for repairs and alterations which were really absolutely necessary for the comfort if not for the health of the inhabitants of the districts in question ; and, on the other hand, they had not the means to carry out these works. They now proposed that a Bill should be brought in, enabling them to raise an adequate sum by mortgage upon the rates. That Bill was under the consideration of the Government, and, if it should receive their sanction, he hoped to have the support of his hon. Friend in carrying it through the House, so that the Commissioners might have the means to carry out the necessary improvements, which they did not now possess. With regard to the practical advice referred to as having been given to the inhabitants, it was quite clear that if they could not have covered sewers, it was better to make use of cesspools than of open gutters in streets, which affected the health of the district through which they ran.

FRENCH AND AUSTRIAN OCCUPATION OF ITALY.

Lord JOHN RUSSELL said, that his hon. Friend the Member for Finsbury (Mr. T. Duncombe) had given notice that he would on the following day make a Motion with respect to the occupation of Rome by French troops, and of certain other parts of Italy by Austrian troops. In the present state of public affairs, the discussion of such a Motion would be attended with inconvenience, and he hoped, therefore, that the hon. Member would consent to postpone it.

Mr. T. DUNCOMBE said, that he regretted that there should exist any necessity for the noble Lord to ask him to abstain from making this Motion at present, because he was afraid that its postponement would cause great disappointment to those who had attended public meetings, or had presented petitions to that House upon this subject. But, under the peculiar circumstances of the case, he saw no alternative but to accede to the request. To prevent any misrepresentation or misunderstanding on the subject, perhaps he might be permitted to state that it was not his intention to have submitted the Motion in any spirit offensive to the French nation, or disrespectful to the ruler of their choice. On the contrary, he entertained the hope that the feelings of amity and regard existing between the people of France and those of this country, and also between the rulers of the two countries, would enable them, by acting cordially in concert on any occasion that might present itself, to overcome any difficulties, from whatever quarter they might proceed.

SUCCESSION DUTY BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir JOHN PAKINGTON, in rising to move the Amendment of which he had given notice, said that on a former occasion he had referred not only to this tax, but still more to the machinery by which it was proposed to enforce it, in terms of the strongest possible disapprobation. He believed that if that House consented to pass this measure in the shape in which the Government now submitted it, they would abandon the first duty they owed to those who sent them to Parliament. If, however, the measure were to be forced upon the House—if the opponents of the Bill were powerless to prevent its becoming the law of the land, and would thereby be prevented from saving the people of this country from its most objectionable machinery, it would be at least a satisfaction to place their opposition on record. He had already had to thank the House for its indulgent attention whilst, at considerable length, he stated his objections to the measure; but a long time had elapsed since the right hon. Gentleman the Chancellor of the Exchequer proposed the Resolution on which the Bill was founded. His (Sir J. Pakington's) speech on the former occasion was in reply to the observations of the Chancellor of the Exchequer enforcing the tax. Admitting the clearness and ability of the right hon. Gentleman's speech, he did not think that those who heard it regarded it as the speech of a Minister who felt strong in the justice of his proposal, but of one who, to an unusual extent, had to adopt a tone of apology. The right hon. Gentleman touched on the objections which had been offered; but he abstained altogether from entering into any refutation of those details on which the objectors to a tax of this description rested their case. Into these details he (Sir J. Pakington) had fully entered on a former occasion, and he now challenged argument on the justice of the case he had then established. He contended now, as he had done before, that indulgence in party passion would be unavailing on a proposal of this kind, and that all opposition must fail unless it were based on the clear ground of reason and justice. He might have fallen into some errors of detail, but as regarded the general substances of the figures he had stated, and the explanations he had given, he believed them to have been unimpugnable. In two important respects he stood in a different position to that which he occupied when he last addressed the House. A most important discussion on the subject had since taken place in the House of Lords, and the Bill, including the machinery by which it was to be worked, had been placed in the hands of Members. Let him first advert to the discussion which had occurred in another place. The statements produced on that occasion were tested in the usual manner by a division, but that division was a very narrow one; and he was disposed to think that the country had marked the fact that that portion of that assembly, of whom he might speak as a "corporation sole," had expressed their entire approbation of a tax to which neither they or their order would be subject. However, such was the manner in which the proposal of the Government was there saved from virtual condemnation. But he would now turn to what was far more important than the composition or the extent of a particular majority—namely, to the signal triumph of reason and argument which characterised the discussion which then took place—to that remarkable display of learning, close reasoning, and of great eloquence, and which was met on the other side by brief statements, and by the only argument which he (Sir J. Pakington) had as yet heard advanced in favour of the Government proposal—the argument which rested upon the alleged anomaly of our existing laws. It was certainly true that the right hon. the Chancellor of the Exchequer, in a speech which was clothed with his usual ability, had told them that they must adopt this tax as a substitute for an income tax. But his answer to the position of the right hon. Gentleman was ready at hand, and he could reply, that looking to the nature of the tax—looking to the mode in which it would be levied, that, in his opinion, the income tax was the lesser evil of the two. And, again, the right hon. Gentleman said that it would relieve the landed interest from a great burden of indirect taxation. But he (Sir J. Pakington) disputed the wisdom of the Government in seeking, however desirable it might be, to get rid of some portion of indirect taxation by means so questionable as the imposition of a tax open to such grave, serious, such insuperable objections as attached to the tax which he was now endeavouring to resist. But could they really vindicate the measure upon the ground of anomaly? His opinion was they could not. The right hon. Gentleman had dwelt most strongly upon that which he (Sir J. Pakington) thought the strongest part of the case—namely, the objection arising from the difference between settled and unsettled personalty; still he was prepared to oppose the Government measure upon that ground. One of the right hon. Gentleman's arguments was, that when he came into office he found the present state of the legacy duties so full of objection, so extremely unwise, that something ought to be done; that in fact unless some such alteration as he proposed were accepted, he must proceed to repeal the legacy duties as they stood. Now he, for one, was quite ready to accept that alternative, for he thought it would be a far better arrangement, and he was backed by the high authority of Mr. Pitt in not concurring in the argument of the right hon. Gentleman; but he felt no doubt that, before long, if it became a question whether the duties were to be extended as the Government proposed, or to be repealed, the Government would be compelled, by the general feeling, as well as by a sense of justice, to have recourse to any other mode than that proposed of making up the difference in the revenue. Of course when they urged the extension of this tax to personalty, they raised the question whether it was not a tax vicious and unsound in its principle; and if it was a tax vicious and unsound in principle, they were not borne out upon the mere grounds of alleged anomaly in seeking to extend a tax open to such objection. In fact, the argument of the Chancellor of the Exchequer assumed this character: he said, "I find the legacy duties are unequal in their pressure. I cannot leave them as they are. Deal with them I must; and therefore to do so I will make them worse than they are." It had been well said in the debate in another place that in order to tax settled personalty with fairness and justice the tax should be made prospective—that Parliament had no right to tax personalty already under settlement—and that it could not do so without making an *ex post facto* law, and doing that which amounted to actual confiscation. And what was the answer of the right hon. Gentleman? Why, he dealt with the question as a matter of policy. He said he could not afford to wait until fifty years had expired; for in case the argument of his opponents were allowed, it would be fifty years before his tax was in operation. But he (Sir J. Pakington) conld not admit this to be a good argument, for, if it were wrong and unjust to make an *ex post facto* law, and to throw a burden upon this property, it was no answer to tell him that to lose the revenue which the tax would bring in would be inconvenient, and that the Government could not afford to be just. Both in that House, and elsewhere, upon various occasions, the main argument had been, not with respect to the anomalies between settled and unsettled property, but as to the anomalies between personalty and rateable property. And here let him observe, this was not a land question. It was a question, certainly, in which he was quite prepared to admit the land was deeply concerned, and which was treated in the most oppressive manner by the Bill; but there were other interests which were affected by these allegations quite as much as the great mass of the landowners of England. But he believed that because the measure of the Government did affect the land, the present course had been mainly adopted. There was in this country a party, and which had its representatives in the House of Commons, that was ready to adopt any plan which dealt a blow at the aristocratic institutions of the country, or a blow at the property by which those institutions were supported; and he was sorry to see any Government, from the necessities of their position, he presumed, lending themselves to further the objects of that party. But be that course unjust or unwise as it may, it was only a delusive cry as regarded the present question; for the small tradesman in the towns, the owner of small house property, the manufacturer in his mill, the merchant in his warehouse, were all, as holders of rateable property, as much interested in resisting the measure of the Government as the landowner. Let them not forget that the plan, as proposed, touched younger children, and that at a moment when they were deprived of the comforts of the paternal home, and had to trust for their establishment in life to a small pittance; and yet they would diminish their small capital by the additional impost now proposed. He would beg to refer the noble Lord opposite (Lord J. Russell) to the forcible expression of the late Earl Grey, then Mr. Grey, in 1805. When Mr. Pitt proposed to extend to direct descendants the personal legacy duties, Mr. Grey then said that he must regard such a tax as a "tax upon the unfortunate." Well, he maintained, then, that the anomaly between the rateable and personal property was part of the anomaly upon which the Chancellor of the Exchequer rested his case; and, at all events, it would be generally allowed that it affected a very large and important portion of the question. Now he would ask, was it not equally an anomaly that rateable property should be burdened with poor-rates, which personal property was not called upon to pay? Why, did not they all recollect that in days now gone by—days which he hoped never would recur—when they were fighting the battle of the corn laws, hon. Gentlemen on his side of the House were always met with the reply, "See. you don't pay the legacy duties, and, therefore, you have in that an equivalent for whatever other taxation you have exclusively to bear." But he would ask, was it not possible to find other and similar anomalies affecting rateable property? Was it not, for instance, exposed to very heavy payments in the way of a tax upon transfers and conveyances, and to a land tax? He maintained, then, as regarded that portion of the statement, that his answer was perfectly conclusive. But he was able to go further, and he could prove that this supposed anomaly was countervailed not by one, not by two, but by many anomalies, and that if they were bound to call upon Parliament to redress certain of these anomalies which were complained of, that the rateable property had an equal claim to demand of Parliament to get rid of those anomalies to which he had just adverted. But he had heard it said that there could be no anomaly in rateable property being subject to these rates and imposts, for landed proprietors had originally purchased their estates subject to them. That was an argument, however, which should receive no concurrence from him; and it was a very poor consolation to a man to find himself exposed not only to very heavy burdens, but to fluctuating burdens. And if he had to pay a poor-rate heavier at one time than another, or a tithe rate heavier at one time than another, it would be no consolation or justification to tell him that he bought his land subject to those inconveniences, and, therefore, he must remain content under them. It was, therefore, an argument which the right hon. Gentleman, above all others, ought not to have recourse to, as he had frankly admitted in his able speech the extent of the burdens upon rateable property: indeed, if he remembered rightly, the right hon. Gentleman, speaking on this subject, had made use of the expression, "peculiar and exceptional burdens." In adverting to this subject, he would not weary the House by again going over the figures which he had previously used, but he preferred adopting the figures of the right hon. Gentleman himself with regard to one portion of this question. Now what did these amount to? They had it from the Chancellor of the Exchequer himself that the rateable property, speaking in round numbers, amounted to about 80,000,000*l.* sterling. They had it also on the authority of the right hon. Gentleman, that the direct burdens upon that amount of rateable property, including the land tax, was not less than between 14,000,000*l.* and 15,000,000*l.* He might remark, however, in order to remind the House of what had formerly occurred, that he (Sir J. Pakington) had, on that occasion, in reference to this calculation, alluded to the charges for fire insurance, and also to the stamp tax; and, therefore, he believed it might be demonstrated that the rateable property was directly burdened with the payment of 17,500,000*l.* per annum, which was very nearly 22 per cent upon its estimated value of 80,000,000*l.* Now, how, on the other hand, was personal property dealt with? Why, to assess the burden affecting it to the very utmost figure, it only amounted to from 3,000,000*l.* to 4,000,000*l.* per annum. How, then, he would ask, was the Government justified, looking at such a state of facts, and resting as they did upon an alleged anomaly—he would ask, then, how could they vindicate the imposition of a further burden upon realised property upon anything like grounds of justice? But, said the right hon. Gentleman, the present tax was only to be a tax upon life interests. That, however, seemed to him (Sir J. Pakington) to be the greatest objection against the proposal of the Government, as it necessarily involved a great inequality in the tax — an argument which had been most forcibly applied in 1796. Now, to show the working of the plan, he would take the life of a man at a given age, according to the schedules which had been placed before them; and he must say in passing that he did not wonder that the right hon. Gentleman had kept them back as long as he could, for he thought they would only serve to show how enormous and insupportable the tax would prove. But let him take the cases of two men of twenty-one years of age, one in the bloom of early manhood and all the vigour of life; the other already within the very grasp of disease, wasting under the effects of consumption. Well, let the House look at the position of these two men—so dissimilar, so unlike. And yet, in the eye of the succession duties, they were regarded in precisely the same situation. Again, take the case of a man of fifty, in vigorous manhood — another sinking under a chest disease; the same thing occurred—the same glaring inequality must extend from beginning to end. Ay, let them shape the tax or view it how they might, its inequalities and injustices would be for ever presenting themselves. One property might escape the tax altogether for half a century, while another would be constantly within the grasp of the taxgatherer. And it was that very objection, in the first place, which led to the rejection of the tax upon a former occasion. It was his impression that the country was not at all aware of the cruel nature of the burden, or of its characteristic incidents which the Government intended to impose. He believed the greatest possible amount of ignorance existed on the subject. And here, again, he wished to observe that the question was one not merely affecting the landed interests of the country. [Mr. W. WILLIAMS: Hear, hear!] He was unable to determine what was meant by the cheer of the hon. Member for Lambeth; but this, at all events, he would say, that he challenged him to disprove the facts which he had produced. But to continue: he would not take the case of a son inheriting directly, and who would pay 1 per cent, nor the case of the entire stranger who was to pay 10 per cent; but he would refer to the case of a brother or an uncle, and who would have to pay 3 per cent. Now, let them consider the case of a man at thirty-nine, and suppose him to succeed to the small property of his brother, worth—say 100*l.* a year—which, in round numbers, might be valued at 1,500*l.* At 3 per cent, the burden imposed upon him would be 45*l.*, which would be spread over five years. [The CHANCELLOR of the EXCHEQUER: Four.] The right hon. Gentleman was right, inasmuch as the party would not be called upon to pay anything for the first year; he would, however, have to pay 11*l.* 5*s.* per annum by eight half-yearly instalments. That was to say, more than 11 per cent would be deducted from him during those first years of his occupancy, when, as was known to all, the expenditure on account of his property would be most pressing. For instance, if the property left was a house worth 100*l.* a year, in all probability he would be called upon to make an outlay on account of furniture or repairs; of course he would have other charges and demands to meet; such, perchance, as the payment of legacies. And yet, upon such a man, at such a juncture, you would impose the additional, the grievous, impost of this new tax upon his succession, thus causing him a most serious injury. He wanted the country to know thoroughly what was the nature of the proposed tax, and he should, therefore, take another case as an illustration. Suppose the case of a man succeeding to property which produced a yearly income of 1,000*l.* He would then have to pay a sum of 450*l.*, which payment would extend over four years, in instalments of 112*l.* 10*s.* a year, and this he could not but consider a most objectionable burden, more particularly as for the next seven years at least there was the additional imposition of the income tax, which was to be paid simultaneously with this, what he must call a property tax, and in his opinion there was not much chance of the removal of the income tax then. Well, he would now turn briefly to that portion of the plan which had been explained the other evening by the right hon. Gentleman—namely, the mode in which he proposed to deal with the tax upon corporations. That portion of the plan included of course all those corporations who held in trust the property of charitable institutions. Now, it was a very old saying in reference to such a species of taxation, that "charities and younger sons always paid 10 per cent." The right hon. Gentleman, however, intended to modify this view altogether, and he proposed to treat charity as a first cousin, for he proposed to seek from it an annual payment of 6*d.* in the pound. They had, then, the open avowal that, in addition to the income tax, the property of the country was to be subject to a tax in the most objectionable form in which it was possible to impose a tax. He believed that it would be far better, more candid, and he was sure more just, if Her Majesty's Government, instead of calling the measure a succession tax, had called it at once, as he had previously hinted, a property tax. His (Sir J. Pakington's) earnest conviction was, that they would never have submitted this proposal to Parliament, if they had not presumed upon the weakness and selfishness of human nature. The Government had presumed that as the actual holders of property would not have to pay the tax, but as its payment devolved upon their successors, that Parliament would more readily submit to such a tax than to one to be levied from the living generation. He hoped, for the honour of that House, and the honour of his countrymen, whatever their decision might be, that the House of Commons would not allow itself to be influenced by such unworthy, such selfish, such grovelling motives. Let them bear in mind that the tax was avowedly a personal tax, and that those who paid it would soon pass away. But, turning again to its influence upon corporations sole, he confessed he was glad to hear that, so far as the poorer clergy were concerned—he was glad to hear that they were to be exempted from its payment. For the position of the clergyman, with regard to the disbursement of his income, was a very hard one; and the payment of rates of any kind fell very heavily upon him. Nevertheless, however, he must say he had heard this exposition of the right hon. Gentleman with some degree of surprise, and he could not regard the admissions which he made otherwise than as admissions against the tax in general. For if this was a tax upon property in general, he could see no reason why the property of corporations sole should be altogether exempted from its payment. With regard, indeed, to one branch of corporations sole—the bishops—it must be admitted that already the plan of the right hon. Gentleman had received their marked approbation. He (Sir J. Pakington), however, was utterly unable to determine upon what grounds they had been released; and he could have no objection to seeing them obliged to submit to the same regulations imposed upon other corporate property; and certainly he could not admit one of the main objections of the right hon. Gentleman, upon which his remission in favour of corporations sole was based—namely, the heavy expenditure to which such a species of property was liable immediately following a succession. That undoubtedly was perfectly true; but he maintained that it was a truism equally applicable in the cases of all species of property. He would now come to the right hon. Gentleman's Bill itself, as hitherto he had merely dealt with the tax; and his first objection on the present occasion, also, must be to the inquisitorial nature of the measure. Why, the inquisition exercised in the case of the income tax was nothing as compared to the inquisitorial nature of this duty on succession. A person assessed under the income tax—the tradesman, for example—merely states what the amount of his property or profits were which were liable to the tax; whereas, in the case of this duty, at the moment of death the successors were responsible to communicate directly every particular of the property in question—every burden which it bore, every deduction to be made from it, every debt the deceased person owed, and the amount of every fortune which he had left to his children. And all those circumstances were to be stated under what he must call the penal clauses of the Bill. He did not blame the Chancellor of the Exchequer for those clauses—he rather blamed him for proposing a tax of this kind at all; but he thought he was wise in the enactment of his machinery, because the right hon. Gentleman knew that this tax would be so odious and intolerable to the country, that the first impulse of those to be affected by it would be to seek to evade it. The right hon. Gentleman, therefore, knew that it was necessary to fortify such a tax by tyrannical and arbitrary enactments in order to enforce it. But there were two questions remaining behind of considerable importance. The first was whether Parliament would consent to pass those penal clauses; and the second, if Parliament be so subservient as to pass them, the right hon. Gentleman had to learn whether the country would submit to them. He hoped and believed that it would not. He was the last man to counsel the people to resist the law; but he would, without the slightest hesitation, exercise every influence he possessed to induce the country to resist by every legitimate and lawful means possible an impost so vexatious in principle, and in its machinery so tyrannical and inquisitorial. In reference to the clause which dealt with property in timber, he was disposed to think that the Chancellor of the Exchequer was not conversant with the mode in which timber was used, and for what purposes it was felled. This, indeed, was a clause which affected rather the rich man than the poor; but rich and poor alike were entitled to protection from injustice. The manner in which the right hon. Gentleman had framed this clause, manifested, by its peculiar imperfections, that the right hon. Gentleman was not himself a landed proprietor. It left to the owner of timber, on succession, two alternative modes of being taxed—that of being taxed on the average yearly profits obtainable by the sale of such timber, or that, the principal value of the timber having been estimated, the person taking the life interest should pay a percentage on that value. He could scarcely pronounce which of these two modes was the most objectionable. The right hon. Gentleman appeared to imagine that the timber on a gentleman's estate was a source of income, which any one practically acquainted with the subject knew was very rarely the fact. In the large majority of cases timber was sold as a means of bearing the expense of repairs. So that, if the owner adopted this alternative, he would actually pay a tax on the money he expended for repairs. That applied to the first of the alternatives. Now he would deal with the second: the timber might have stood upon the land for generations, and might still remain for generations to come. Timber, which had never paid the proprietor one farthing, was to be valued on every occasion that a death took place amongst the proprietors, and a fresh impost placed upon it. The Government called this taxation. He would call it plunder. If they succeeded in carrying out this clause with all its detestable machinery, he repeated that it would be plunder, and not taxation. He would now pass to what he called the penal clauses of the measure. Let the House weigh the position in which Clauses 42 to 45 inclusive, and especially Clause 45, placed the persons who, as trustee, guardian, committee, or husband, were, besides the successor, accountable for the duty. They were to render—

> "A full and true account of the property, for the duty whereon they shall respectively be accountable, and the value thereof, and of the deductions claimed by them, together with the names of the successor and predecessor, and their relation to each other, and all such other particulars as shall be necessary or proper for enabling the Commissioners fully and correctly to ascertain the duties due." "And the Commissioners," [proceeded the clause] "if dissatisfied with such account and estimate, to cause an account and estimate to be taken by any person or persons to be appointed by themselves for that purpose, and to assess the duty on the footing of such last-mentioned account and estimate, subject to appeal, as hereinafter provided; and if the duty so assessed shall exceed the duty assessable according to the return made to the Commissioners, and with which they shall have been dissatisfied, and if there shall be no appeal against such assessment, then it shall be in the discretion of the Commissioners, having regard to the merits of each case, to charge the whole or any part of the expenses incident to the taking of such last-mentioned account and estimate on the interest of the successor in respect whereof the duty shall be due, in increase of such duty, and to recover the same forthwith accordingly; and, if there shall be an appeal against such last-mentioned assessment, then the payment of such expenses shall be in the discretion of the court of appeal hereinafter appointed."

There was to be an appeal, said the clause; but to whom? To the Court of Exchequer! The poor holder in the north of England, if dissatisfied, might appeal to the Court of Exchequer! Then, if all the forms required by the Bill were not complied with, came, in Clause 44, a long list of penalties upon the unhappy, and, very probably, totally unconscious, defaulter. Let the House consider the terrible predicament in which these most tyrannical provisions would place the poor landowners, or the poor houseowners, who were by far the preponderant class of successors, the rich being but a mere fraction. Either they must pay the impost at once, unquestioned, or they must incur penalties for non-compliance with the various enactments; or, questioning the impost, they must employ some lawyer to advise them. They would thus not only be burdened with this succession tax, but would have also probably heavy law expenses to meet. But he (Sir J. Pakington) wished to call attention to what he thought was the most unjust and intolerable grievance of all—he meant that accumulated taxation which the right hon. Gentleman sought to impose. He heard, with extreme surprise, on the occasion of the financial statement, the right hon. Gentleman say, that in the event of settled property—if one life succeeded another within a period of five years, and before the instalments were all paid, that the instalments of the predecessor would cease; but in case of an unsettled estate when the successor succeeded, not to a life interest, but to the fee, the unsettled instalments were to be paid to the Crown—so that this party would not only have to pay his own succession duty, but also the duty which should have been paid by his predecessor. Now, he contended that if this provision of the Bill were adhered to, the payment of those instalments might in many cases amount to something like 25 per cent upon the value of the property. He was sure that Parliament would never assent to such gross injustice as he had exposed. If it did, he was satisfied that the country would never tolerate them. He would ask the Government upon what authority did they propose such a measure? When he looked to the construction of the Government, it was difficult to know what authorities every portion of this amalgamated and incongruous Government would recognise. But he thought he could discern those authorities. He supposed that a portion of the Government, at all events, looked with respect at the names of Fox and Grey. Another portion would look with similar respect upon the name of Pitt. A third portion would be disposed to recognise a high authority in the name of Adam Smith. He, however, could confidently appeal to every one of those authorities in condemnation of this Bill, for he was certain none of them would have sanctioned such a measure as this. The late Sir Robert Peel, whose opinions were held in high respect generally, had omitted this very tax from his financial measures, by the emphatic statement, that, before they attempted to pass it they should correct the inequalities of taxation upon rateable property—that they should deal with the stamp duties and the land tax to which rateable property was exposed. But the right hon. Gentleman opposite appealed to the authority of Mr. Pitt; but that authority did not bear out the right hon. Gentleman in his present proposition. He

(Sir J. Pakington) hoped that the right hon. Gentleman would follow the example of Mr. Pitt in one respect, namely—Mr. Pitt utterly failed in burdening this country with such a tax. But this was not the plan of Mr. Pitt, for it differed from the scheme of that statesman as widely as it was possible for one plan to differ from another of the same nature. Mr. Pitt proposed half-yearly instalments, similar, no doubt, to those proposed by the right hon. Gentleman; but Mr. Pitt did not attempt in the first instance to tax the direct descent. It was true, in 1805 Mr. Pitt modified this tax by extending it to 10 per cent, and to direct descendants; but it should be recollected that Mr. Pitt proposed this as a war tax. The argument of Mr. Pitt in proposing the tax was in effect this: we are involved in a war in which property is to be defended, and it is fair and right for this defence of property that such should be taxed. He (Sir J. Pakington) had no doubt but that if a similar state of things existed at this moment, there would be a general acquiescence to the passing of such a measure. But there was no emergency at the present time that could justify such a measure of taxation as was now proposed. On the contrary, the Government were only imposing it either as an equivalent for an income tax upon this species of property, or to supply a deficiency which they themselves had created, or to correct anomalies which really did not exist. He was afraid that there was another motive, less creditable to the Government, for imposing this tax—a motive arising from, and the result of, the extraordinary manner in which the Government was constituted—a Government which had no party upon which to depend for support, and which was therefore obliged to conciliate as they best could the support of some four or five different sections upon which their continued existence depended. At one time that was to be done by an apology for a Protestant speech which was deemed necessary in order to bring back Roman Catholic support. At another it was to be done by pandering to Radical prejudices and Radical exactions. The present measure came within the latter category. He thought it was high time that this war of classes was at an end. He never heard words in which he more thoroughly concurred than those which had been uttered the other night by his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), when referring to the financial proposals of the Government. His right hon. Friend said that this war of different classes ought now to cease, and town and country should have but the one common interest. He thought that the responsibility which rested on the Government was deep and serious in proposing a measure like the present, which must inevitably have the effect of raising in the minds of owners of rateable property in this country a revived sense of injury and injustice. He frankly said, he traced this proposal to the necessities of the Government position; he traced it to the fact that the Government had determined to propose an unmodified income tax, and they had no hope of support in that proposal from one of those sections upon which they depended for their existence, unless they accompanied that proposal by another burden on rateable property. He looked upon this measure as one offered by the Government as a price for their support of the income tax; and he thought if he wanted facts to prove his assertion, he would find them in the speech of the hon. Member for Manchester (Mr. Bright), who, when they were debating on a former evening the Resolution upon which this tax was founded, openly said, that if it were not for this measure he would not give his support to the Budget of the Government. He (Sir J. Pakington) objected to the motives by which this measure was influenced, as much as he did to the tax itself. He had endeavoured to express clearly his objections to this measure. He would, without hesitation, oppose it, and every portion of it. He told them that with regard to rateable settlements they had no right to extend a tax that was unsound in principle, and was most unjust and tyrannical in the machinery by which it was to be carried out. The Government had no right to add still greater burdens to this kind of property. He objected to the measure from its odious and inquisitorial character. His conviction was, that they had better not reckon upon a permanent revenue from this source, for when the full character of the measure was known throughout the country, there would be such a public feeling raised that Government would never dare to struggle against it. He believed that the day was not far distant when the present Government, or their successors, would be compelled to repeal this tax, in obedience to the all but unanimous demand of an indignant nation.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day six months, resolve itself into the said Committee,' instead thereof."

MR. HEADLAM said, he regretted that the right hon. Gentleman should have felt it his duty to oppose the principle of this Bill; for though the right hon. Gentleman had criticised some of the features of the measure, and complained of the inquisitorial character of its machinery, yet the Motion he made had not for its object to redress any portion of its alleged injustice, or to soften the rigour of its machinery, but to negative all further proceeding with the Bill, and to put on record a protest against the imposition of any tax whatever on successions. He was the more surprised at a Motion of this kind, especially coming from the right hon. Gentleman who had been a Member of a Cabinet which had come to a determination to propose the imposition of a tax similar to the present. ["No, no!"] The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), speaking in the name of the late Government, said—

> "We have not neglected carefully to examine the question of the stamp duties and the probate duties, and we think it not impossible to bring forward, on the right occasion, a duty on successions that will reconcile contending interests, and terminate the system now so much complained of." —[3 *Hansard*, cxxiii. 898.]

He must say, therefore, he was surprised to hear the right hon. Gentleman complain of a measure which the Government he had been connected with were prepared to introduce, and he was certainly not justified in characterising a similar measure as one of pandering to Radical prejudices, or in calling it plunder.

SIR JOHN PAKINGTON said, he must give the most distinct contradiction to that statement. They had made no such proposal.

MR. HEADLAM said, he did not know exactly what the contradiction of the right hon. Gentleman applied to. All he wished to insist upon was, that the Chancellor of the Exchequer of the Government of which the right hon. Gentleman was a Member, made the statement which he had just read in the name of that Government; and it appeared to him plainly to intimate that they intended to propose a measure of this kind. He regretted that the right hon. Gentleman should have made the present Motion, not because he thought it would retard the passing of the Bill, which had been sanctioned by the country, but because the tendency of such opposition was to revive jealousies and suspicions that he thought were better laid at rest, and because the landed gentry of the country would, in the estimation of the manufacturing and commercial interests, be placed by it in a false and undignified position. He would not raise the question that this opposition rested on mere selfish interests, but he thought the right hon. Gentleman had been singularly unfortunate in the cases of hardship which he had brought forward. He quoted the case of tradesmen in towns, and endeavoured to show that this Bill would fall heavily on them, and on the whole class of landed proprietors. Now, the tradesmen in towns were almost invariably leaseholders, and, so far from this Bill imposing a burden on them, it positively diminished the burden they now had to bear, and, therefore, the right hon. Gentleman was very unfortunate in selecting that class as one exposed to hardship by the Bill. They had had no remonstrances against this measure out of doors. He did not know if there had been even one petition against it. Certainly there had been no public meetings on the subject; and even the press—which was always ready to detect a grievance, and not slow to give expression about it—was silent in so far as remonstrance went. But what was the great burden that called forth the opposition of the right hon. Gentleman? At this moment personal property was subject to two perfectly separate and distinct taxes: first, the probate duty, charged on the whole bulk of the person's property; and, secondly, the legacy duty, charged on property coming into other hands by descent, and according to the degree of relationship. From the probate duty real property was entirely free, and that, he thought, was a good equivalent for the charge now proposed to be put upon it in the form of a legacy duty. Then, property was only to pay to the extent of a life interest; and he was satisfied that in no case whatever would a landed estate pay so much as on twenty years' purchase, even supposing it were left to a child of four years of age. At thirty years of age it was rather more than sixteen years' purchase; at thirty-nine it was fifteen years' purchase; that was to say, a person succeeding to a landed estate of fee-simple at the age of thirty-nine, instead of paying on the whole value of the land, would, in point of fact, pay on half the value of it. For instance, if a person left 20,000*l.* to his son in Consols, that son would have to pay a probate duty of 2*l.* per cent upon the capital; but if a person left an estate worth 20,000*l.* to his son, that son would have to pay no probate duty, but a legacy duty, which would only be on one-half the value of the land. Then came the real question, was it desirable for the landed interest that they should be the parties to raise an opposition to such a measure as this? He knew this, that the manufacturing classes generally, and numbers of his constituents among the rest, considered they had great grievances to complain of, as arising out of the present Budget; but, seeing that there were general provisions in it calculated to do good to the whole community, they were contented, on that consideration of the matter, to give up their own particular complaints. For himself, he conceived this Budget, taking it upon the whole, to be brought forward with large views for the general good of the whole community; and that unless this succession tax, which was an integral portion of it, was granted, it was utterly impossible that the income tax could cease at the end of the specified period. For those reasons he thought it desirable for the whole country that the Budget should pass unimpaired.

Mr. FRESHFIELD said, that the hon. and learned Gentleman the Member for Newcastle seemed less willing to undertake a defence of the measure, than to borrow for it the sanction of Lord Derby's Government, and at the same time to impart to his (Mr. Freshfield's) right hon. Friend, who had so ably supported the Amendment now before the House, the inconsistency of opposing a plan which the late Government, of which he was a Member, contemplated as proper to be proposed to Parliament; and it was not the first time the taunt had proceeded from opposite benches, but he (Mr. Freshfield) must say, with very slight, if any, foundation. It was true that in December last his right hon. Friend the Member for Buckinghamshire, then Chancellor of the Exchequer, near the end of one of the most splendid speeches which it had been his pleasure to hear, having fully treated of all the measures embraced by his Budget, said that the Government—

> "had not neglected carefully to examine the question of the stamp duties and the probate duties; [adding] and we think it not impossible to bring forward on the right occasion a duty on successions, that will reconcile contending interests, and terminate the system now so much complained of."—[3 *Hansard*, cxxiii. 898.]

Was it to be supposed that a subject so frequently forced upon the attention of Parliament, namely, the supposed favour shown to the territorial interest in exempting real property from the legacy and probate duties, and in relation to which a notice had recently been given in the House of Commons, had not formed one of the many considerations demanding the attention of a new Government in a new Parliament. But did his right hon. Friend pledge himself, still less can it be said that he pledged the Government, to any specific plan, or indeed that any plan would be submitted to Parliament upon the subject? and certainly it was not promised nor threatened to be such a plan as that which it was the misfortune of the country to have now in progress. His right hon. Friend had, however, said this by implication, at least if not directly: the stamp duties must form a part of any plan for rendering real property subject to a legacy or a succession tax; and so indeed should those duties be revised when even as to personal property you change a legacy duty into a succession tax, in relation to interests which had previously borne the impost of deed stamps and *ad valorem* duties; and even with that intimation of caution, showing that he had considered the subject, his right hon. Friend had only said, that the Government thought it not impossible "that on the right occasion" they might bring forward "a duty on successions;" such a duty as might reconcile contending interests. But did his right hon. Friend shadow out an occasion like the present, when the income tax was not only renewed, but renewed for a term more than double that obtained by Sir Robert Peel in 1842 and 1845, and by the Whig Government in 1848? Did he promise that as a mode of reconciling contending interests, land should be taxed because permanent property was taxed, and yet that land should bear the poor-rate, and permanent property should be exempt? He (Mr. Freshfield) said, if the succession tax was to be defended, it would be upon the broad grounds of justice and necessity, and not upon a sanction erroneously attributed to the late Government.

So much in the absence of his right hon. Friend the Member for Buckinghamshire, he had thought it right to say, and especially as his right hon. Friend the Member for Droitwich had not the opportunity by the forms of the House to defend his own consistency. But he had a much more serious duty to discharge in resisting the progress of the Bill, which involved consequences more serious, as affecting personal as well as real property, than hon. Members seemed to be aware of. A prevailing notion entertained was, that by this measure little more was effected than removing the exemption which real property enjoyed, from the payment of the legacy duty charged upon personal property; and it might have been reasonable to expect that such would have been the scope of the measure, seeing that upon no occasion had any plea been urged for changing the legacy duty into a succession tax; and in order to test the object and intentions of hon. Members, who had been most active in advocating the non-exemption of real property, he (Mr. Freshfield) had submitted to the Committee of the whole House an Amendment upon the Resolution of his right hon. Friend the Chancellor of the Exchequer, the object of which was to subject real property to the legacy duty, in like manner as personal property was by law subject. But that was resisted, and the Resolution was carried in the form to found upon it the present Bill. There was an end, therefore, of the notion that the principle of this Bill was to render real property liable as personal property was and is liable to a legacy duty, It was really and in truth the imposition of a new tax founded upon new contingencies; and he must say that he saw nothing, even in the legacy duty, as originally imposed, so desirable as to recommend it to large extension.

In 1795, Mr. Pitt proposed it as a part of his Budget. He said it was his intention to apply it to all legacies, with the exception of those to widows and to the lineal descendant, commencing with a duty of 2 per cent upon persons in the first collateral degree (that is, brothers and sisters) and their descendants, till he came to strangers, who were to pay 6 per cent; and he contended "that in a war for the protection of property, it was just and equitable that property should bear the burthen." It was not to be confined to any species of property; it was to include both landed and personal. Mr. Pitt first introduced his Bill, now on our Statute-books as the 36 *Geo.* 3, c. 52, imposing the legacy duty on personal property. It was opposed by Mr. Fox, Mr. Grey (the late Earl Grey), Mr. Sheridan, Sir William Pulteney, and other eminent statesmen. It was truly said to be a tax upon capital. Mr. Fox said that the idea of an *ad valorem* duty on a man's property was repugnant to the sense of justice in any country, but especially in such a country as ours, where it was impossible to calculate the inconvenience to which it would give birth; and he strongly urged that the Legacy Duty Bill should be delayed until the Bill for imposing a succession duty on land should be before the House, and should be joined with the other, because by applying the tax to landed property the impracticability of it would be more striking. Mr. Pitt pressed the moderate and favourable details of his Bill: it was not to affect the first degrees of consanguinity; in every case the widow and the direct descendant would be excepted; it would be confined to bequests; it would be on the capital bequeathed; it could have no operation upon contracts. On the 5th of April, 1796, the Bill passed the House of Commons, and on the 21st of the same month Mr. Pitt introduced his Bill for imposing the same amount of duty on succession to real property, and excepting the lineal descendant. Mr. Fox and Mr. Grey opposed the Bill; the former contending that it was a tax on capital. He said it was a system which, if acted upon in the extent to which the principle might be carried, would enable the State to seize upon the whole property of the country; adding, that from brothers—the first degree proposed to be taxed—it might be extended in time to reach children; and in this Mr. Fox proved himself to be a prophet, because nine years later, by the Act 45 *Geo.* 3, c. 28, a legacy duty of 1 per cent was imposed upon the child of the testator. Mr. Grey said that the Bill proposed a partial and bad mode of levying a land tax: it was to all intents a tax on landed capital; would prove a source of vexation, and might become an instrument of influence to a Minister over landed gentlemen; and Mr. Fox urged powerfully the policy of allowing to individuals the complete power of disposition over their property, to the enjoyment of which he attributed much of our national prosperity. The Succession Bill continued to be opposed in several stages, and upon questions connected with the third reading. The Minister being on one question in a minority, and carrying another only by the Speaker's casting vote, withdrew the Bill.

The fate of the Succession Bill in May 1796 in the hands of a Minister so powerful as Mr. Pitt, not only furnishes a strong direct authority against such a measure, but the authority is greatly strengthened by the fact that we continued to be engaged in an expensive war. The urgent necessity of meeting the necessary exertions of the country are well known as matter of history. Not only would such a revenue as the produce of the succession duty have been important, but even a much smaller sum to provide for the interest of our annual loans, and yet no attempt was made to impose such a tax; and it was reserved for a period of almost general peace, and at the distance of forty years from the last French war, that we resort to what Mr. Sheridan described in 1796 as an "execrable measure of finance." It was true, that although no Minister renewed the proposal, yet the territorial interest were not without opponents in and out of Parliament, who desired not only that all the burdens upon land should continue their full weight, but as many more as it could be made to bear, and the succession tax, or, as it had hitherto been called, the legacy and probate duty, to be included in the number; and in the year 1842 a Motion was proposed to the House of Commons by Mr. Elphinstone—

> "That it will be expedient to this House at an early period to resolve itself into a Committee of the whole House, for the purpose of considering the Act 55 *Geo.* 3, c. 184, with the view of imposing legacy and probate duty on succession to real estate, of the same amount as are now imposed by the said Act on the succession to personal property."

One objection taken was to the form of the Motion, which would not reach any property under settlement, as the legacy duty did not attach to personal property under settlement; and his right hon. Friend the then Chancellor of the Exchequer, Member for the University of Cambridge, showed that in adjusting any such question the stamp duties must be taken into consideration; and he illustrated that statement by detailing the expense to which a man would be subject in the investment of 5,000*l.* in land, as compared with a similar investment in the Funds. The latter investment would require no deeds, no stamps; but the man who became a landed proprietor by the investment of his 5,000*l.*, would have to pay 68*l.*, not including law charges as to title or conveyance. At the end of twenty years that sum would have more than doubled by the addition of interest, and then the successor would have to pay legacy duty according to Mr. Elphinstone's plan, equal in amount to that paid by the son of the stockholder, who had not been subject to any expense on his purchase.

The noble Lord the Member for the City of London opposed the Motion, and opposed it upon more grounds than one; and, unless he had changed his opinion, ought to vote for his right hon. Friend's Amendment. The noble Lord strongly objected to Sir Robert Peel's proposal of an income tax (this was in 1842), which he regarded as unadvisable and unnecessary; and he said he did not think it would be at all amending the condition of the country if in addition to that tax they were to consent to impose an additional burden on the country in the shape of probate and legacy duties. He thought it would be very fit when the income tax was passed, to go into a revision of those probate and legacy duties, to say that so much was collected by that means that the aggregate should not be increased, but that it should be fairly levied upon all species of property; and as one of those who considered taxes as well as commercial restrictions in themselves an evil, he should not feel himself warranted from any abstract love of this tax of probate and legacy duties in giving his vote in favour of such a tax. These being the opinions of the noble Lord in 1842, was it unreasonable in Members sitting on the Opposition side of the House, but voting upon independent principles, and as representatives of this great country of mixed interests, to say, that having borne the income tax eleven years beyond that at which the noble Lord declared it to be unadvisable and unnecessary, and having agreed to bear it at least seven years longer to the amount in seven years of 17*l.* 1*s.* 3*d.* per cent, this was not the time to extend the legacy duty upon personal property by converting it into a succession duty, and imposing the tax for the first time upon the territorial interest, which includes a very considerable number of small proprietors, proud of their stake in the most permanent description of national property. He (Mr. Freshfield) trusted it would not be deemed out of place to confirm the very limited sanction of the noble Lord to even the then existing legacy duty, and his own strong objection to it, by quoting the opinion of Lord Howick (now Earl Grey) upon Mr. Elphinstone's Motion. His Lordship said—

> "A legacy duty was in its nature a peculiarly offensive and oppressive duty, operating as it did at times when families were suffering distresses,

and adding to their personal afflictions by the inquiries and investigations it led to as regarded the amount of the property of the deceased that would be affected by it. He would have been much better prepared to vote for the taking off the legacy duty on personal property, for if they were to submit to the annoyance of an income tax, with all its offensive inquisition into private affairs, and its expensive machinery, surely it would have been better to have had a larger percentage at once, and so have got rid of some taxes in the Excise and Customs which pressed heavily on the industry of the people, as well as of a legacy duty on personal property; but taking the Motion as he found it, he must vote against it."

The opinion of Sir Robert Peel upon the same question was not only important, but it was a lesson to those who should deal with the subject as to what on such an occasion should be done, but which unhappily had received but little attention in framing the Bill for the new succession duty.

The right hon. Baronet, he might truly say his right hon. and lamented Friend, described the question involved in Mr. Elphinstone's Motion as most extensive and complicated—that no just conclusion could be drawn without looking to the whole of the stamp duties and taxes upon conveyances; and he did trust if at any time a modification of the existing system should be made, that there would be a Government sufficiently in the possession of the confidence of the House to be intrusted with the review of the whole question, rather than it should be devolved upon a Select Committee. Any modification of the probate and legacy duties, or an extension of them to other property, could not take place without a change in other burdens that bore in a different way on different kinds of property. Look, said Sir Robert, to the probabilities of evasion which would arise in the imposition of such a tax from the facilities which persons had for divesting themselves during life of the property which, unless the proposed tax were imposed, they would transfer by legacy.

The proposal of Mr. Elphinstone was negatived by a majority of 144, there being 77 Ayes, and 221 Noes, and in the majority will be found the names of the noble Lord the Member for London, the right hon. Mr. E. Gladstone, the present Duke of Newcastle, the right hon. Sir Francis Baring, the right hon. Sir James Graham, the present Earl Grey, the right hon. E. Cardwell, and other Members of the present Government; and although the popular ground taken by Gentlemen opposite for supporting the succession tax, is, that by means of it they purchase the repeal of the property and income tax, yet they adopted no such policy upon the several renewals of that tax in 1845, 1848 and 1851. And they are now content to accept a problematical expectation in return for the present infliction of one of the most oppressive measures ever submitted to Parliament, and one founded on the worst policy, discouraging the accumulation of property, and unjustly, by retrospective operation, taxing rights acquired under deeds of settlement, expressly authorised by former legislation, in respect of which stamp duties have been imposed and paid to the State.

The right hon. Mover of the Amendment had in some degree criticised the particular provisions of the Bill; other opportunities would offer in Committee; and he (Mr. Freshfield) had already stated some objections in moving an Amendment to the original Resolutions. He would, therefore, in the present stage, but generally refer to some of the clauses, all of which were of the most stringent character, and calculated to bring within their operation nearly everything by which a man's pecuniary condition may be improved, with no clear distinction, or, as it appeared to him, any tendency to distinction, between that succession which was fortuitous, and that which was the consequence of previous contract. Clause 2 described the subject of tax as—

> "Every past or future disposition of property by means whereof any person has or shall become beneficially entitled to any property, or the income thereof, upon the death of any person dying after the term appointed for the commencement of this Act, either immediately, or after any interval, either certainly, or contingently, and either originally, or by way of substitutive limitation, and every devolution by law of any beneficial interest, or property, or the income thereof, upon the death of any person dying after the time appointed for the commencement of this Act."

Here was a description of a succession. Could anything be less like that which hitherto had been the subject of taxation as a legacy? And yet it was by the determination to confound what had been liable to legacy duty, with what would be liable under the general term succession, that the pending measure had any chance of becoming a part of our financial system. And general as was the rule established by the second clause, it seemed as if even that was to be extended, if possible, by the terms in which the very few exceptions were described. Take for instance Clause 15, which provided that a policy of insurance taken out by a man upon his own life should not be deemed a succession. Why, who could entertain any doubt upon the subject? Policy of insurance is an engagement to pay on the death of the party a sum of money in return for an annual premium paid by that party: the amount would form a part of the general property of the deceased, as any other debt to which his executors were entitled, and would be administered subject to the duties applicable to the property of a deceased person; but the very exception illustrates the careful determination to let nothing loose that could be brought within the operation of this measure of exaction. The effect, however, requires a further observation: the very enactment of such an exception, shows what may be deemed a succession. The insurance by a man upon his own life, is not to be deemed a succession; but what then would follow upon the ordinary case of creditors insuring the life of their debtor, upon whose exertions, or perhaps life income, may depend their prospect of payment? Why, obviously by the very terms of the exception, not being within the exception, the money received upon their policy would be deemed a succession, and liable to this grasping tax; and that term is especially applicable when those clauses come to be examined, by which the mode of calculating the succession duty, and providing for what shall not be allowed in reducing the capital to be assessed, comes to be examined; also the priority of the duty over every other charge, so that a mortgage affecting the life-interest of a person entitled to a succession may be deferred until after the payment of the duty, not merely upon a sum equal to the mortgage money, but upon the whole amount of the succession; and, then, until the successor is able to meet the immediate outgoings on coming into possession. In short, the duty is made to operate as a new charge, taking precedence of the mortgagee's debt; and the same or a worse character is preserved in the administrative or penal clauses requiring notice to be given of successions—penalty of 10 per cent per month for not giving notice—powers of the most objectionable character given to the Commissioners of Inland Revenue; and, as if to defy any rigour more extreme; it is proposed by the 53rd Clause, that—

> "Any person wilfully making a false statement to the Commissioners in relation to any account, (not merely to any account which might and probably would be something definite, but to any account) or estimate, should be subject to all the pains and penalties to which by any law for the time being in force, any person convicted of wilful and corrupt perjury, should be subject."

This clause, he said, was in itself so coarse, so offensive, indicating so little self-respect in those who could so readily propose that a statement of such matters, collected possibly from many sources, even though charged to be wilful, should be treated as a crime, deemed in law to be one of infamy. He defied the Minister to carry such a clause: it could not be the suggestion of the Minister, or of any of the eminent legal men connected with the framing of the Bill, but it must have been borrowed from an inferior code connected with our earlier fiscal regulations. He would only add, that nothing of the sort was to be found either in Pitt's Act imposing the Legacy Duty, or in the Bill which he failed to pass for enacting a Succession Tax; nor would other penalties provided by the present measure derive authority from the provisions of Mr. Pitt's Bill.

He was prepared to state many cases of hardship and injustice which must arise under this measure, and against which no caution could protect, although some cautions would no doubt be adopted; but those very cautions would be productive of social evils, which Parliament would not directly and openly sanction; and he must be allowed distinctly to adopt the opinions of Mr. Fox, and the present and the late Earl Grey—the first pronouncing a decided opinion that "there was no principle of taxation more destructive than that which tended to destroy the power of exchange and transmission, and thereby lessen the desire of acquisition; and he believed that much of our prosperity was owing to the complete disposal of property which was enjoyed." The present Earl Grey declaring that in his opinion, even "a legacy duty was in its nature a peculiarly offensive and oppressive duty." And his venerated father (the late Earl) objected strongly to the succession duty as a tax upon capital, declaring that "a tax upon the capital of any country could not fail to hurt its prosperity; and the discovery of the state of property to which the levying of the tax would necessarily lead would prove a source of vexation."

Such opinions of such men must have considerable weight, even opposed to a legacy duty to be imposed upon landed as well as personal property. But the Government of this day were not satisfied with the right only to search the pockets of the dead man, and proceed to his escrutoir and his box of deeds to ascertain and to tax the property of which he died possessed; and yet many supporters of the Government thought that nothing more was sought; but this measure did not condescend upon any such simple and matter-of-fact limit. It was not a mere administration of the dead man's estate, which was all that the Legacy Duty Acts effected, but it had objects much more extensive: it sought out the recipients of any benefits derived by any and every person as a successor to property or income, whether belonging to the deceased, or devolving upon others by his decease or the decease of any other persons; and the inquiries relating to his concerns was, in fact, only one of the sources of inquiry in pursuit of the fiscal object; and let it always be remembered, that this change in the law applied not to real property only, but also to personal. He felt morally certain that if the Act passed, the tax could not be continued: its operation would be productive of almost general discontent and clamour for its repeal; the exception would only be on the part of those who regarded the possession of property to be a crime, and acted upon principles anti-national and selfish. He should give his cordial support to the Amendment of his right hon. Friend.

MR. R. PHILLIMORE said, he could not avoid remarking the strangeness of the contradiction made by the right hon. Baronet (Sir J. Pakington), to the statement made by the hon. and learned Gentleman the Member for Newcastle-upon-Tyne (Mr. Headlam). His hon. and learned Friend cited the speech of the late Chancellor of the Exchequer from *Hansard.* The hon. Gentleman who had just sat down did not deny that the late Chancellor of the Exchequer had used the language respecting the succession duty attributed to him, but argued that it was coupled with other words with respect to bringing forward such a measure when the proper time arrived. Surely there could be no doubt, even upon the version of the hon. Member (Mr. Freshfield), that some such promise had been made by a distinguished Member of the late Cabinet, of which Cabinet the right hon. Baronet the Member for Droitwich was himself also a Member. And, with this recollection, he thought the right hon Baronet ought to have somewhat qualified the very strong language he used in respect to those who proposed and advocated this tax. He must confess his astonishment at the charge made against the Government by the right hon. Baronet, of "pandering to the Radicals;" for he must declare that, since he had the honour of a seat in that House, a more Radical and revolutionary speech than his own he had never listened to. The right hon. Gentleman commenced his speech by a wholesale attack upon the bench of bishops, because of the manner in which they had exercised their votes in the other House, and then he made a most violent declamation, saying that if Parliament were subservient enough to pass this Bill, he trusted the people would not submit to it. Had such language been attributed to the most violent demagogue, it would have been thought exaggerated and a caricature. He did not know what language amounted to an incitement to violate the law, if this did not. The right hon. Gentleman had said that personal property paid no poor-rates, but leasehold property paid poor-rates. The fallacy of the right hon. Gentleman's argument was, that all landed property was real property, whereas, by law, half the landed property of this country consisted of what was called personal property—namely, an interest in the property for years, which did not amount to a freehold estate. It was the peculiarity of the English law that if a man had an interest in land for 20,000 years, it would be considered personalty; whereas if he had an estate for life it would be regarded as a freehold. A leasehold for 999 years would pay the legacy duty, while a life interest would not. These were the peculiarities of the English law—

SIR JOHN PAKINGTON, in explanation, said he had throughout the whole of his observations drawn a marked distinction between rateable and personal property.

MR. R. PHILLIMORE said, he could not see how the distinction had been made out. The right hon. Gentleman alluded to the alleged injustice of charging this duty upon timber grown for ornament, and he had dwelt upon the excessive cruelty of making this species of property pay legacy duty, on the ground that it was not grown for profit. But the right hon. Gentleman entirely overlooked the case of hereditary diamonds and plate. These paid duty upon successions, and would continue to pay it so long as the legacy tax remained. The right hon. Gentleman, in justifying his opposition to the present Bill, had relied upon the authority of great names—of Grey and Fox, of Adam Smith and Sir Robert Peel; but the authority of some, at least, of those illustrious personages, on such a question as the present, he (Mr. Phillimore) must, with great deference, be permitted to doubt. Mr. Fox's deficiency in that science, the value and importance of which was now universally acknowledged—political economy—all candid persons must admit. To venerate that great statesman in the character of a political economist was, to use an expression of Mr. Canning's, like worshipping the sun when he was under an eclipse. With respect to Sir Robert Peel, his opinion could not be quoted with any great propriety against the present Bill; for it should be remembered that, whatever Sir Robert Peel might have said against the principle of the measure, was said in the presence of very different circumstances from those which now existed, and at a period when there was no such alteration of the stamp duties as had now for some years existed. If he could bring himself to believe that there was any truth in the assertion that this Bill was a blow aimed at the aristocracy, it should receive from no one a more strenuous opposition than from himself; but it was because he believed in his heart it was otherwise intended, and would otherwise operate, that he gave it his cordial support. The noble Lord the Member for Huddersfield (Viscount Goderich), had described it in its true colours when he said that it would benefit the aristocracy by relieving them from the odium to which they were now exposed, from the general belief that they enjoyed an immunity from which their fellow-subjects were excluded. He should not, however, have dwelt so long even as he had done on the subject, if he had not thought that as to the rating of personal property the right hon. Gentleman had stated what was not in substance correct.

Mr. MULLINGS said, if the question raised by this Bill had been confined to the imposition of a legacy duty upon landed property, he should have been among the first to give it his support. But when he considered the nature of the proposed tax, that it was a tax upon all real and personal property, settled and unsettled, upon property settled by past and present and future documents, and the evils which would arise from it, he could not but feel alarm and apprehension. He should consider the Bill briefly under three heads: first, the nature, operation, and consequence of the tax; next, the amount which would be produced by it; and, thirdly, as to the machinery by which it must be carried into effect. He need not go into a definition of what was real and what was personal property, because that had been done by the Bill itself. With respect to personal property, he wished the House first of all to consider what would be the operation and effect of the Bill. A more stringent and a more inquisitorial law never could be proposed. He would assume that a younger child, who had a portion upon an estate, had, several years ago, settled that portion by deed of settlement, upon which heavy stamp duties were paid. The tenant for life was still living. Up to the present time the party and his children would be free from duty; but by this *ex post facto* law in all cases of this kind the burden would be cast upon the parties of the succession duty, though the settlements had been executed many years, and they had paid very heavy *ad valorem* stamp duties. Consider next the case of a tenant for life, either of money or an estate, who had sold that money or that estate to a purchaser for a full and valuable consideration. For the purpose of protecting himself against the contingency of death, the purchaser of such estate would insure the life of the party; but though he might have paid in insurance premiums more than the value of the policy, he was, upon the death of the party whose life estate he had bought, subject to this tax. In another case, a man was entitled to a reversion of 20,000*l.* either in money or land, and sold it to a purchaser who made his calculations free from all charge either of legacy or succession duty. He would pay upon the full value; and if he happened to purchase the reversion from a stranger in blood, there would be taken from the purchaser a sum of 2,000*l.* He was stating these propositions in the presence of an hon. and learned Gentleman who would know immediately whether they were correct or not; and he ventured, with great deference, to tell him that this was the construction which must be put upon the Bill. When the right hon. Chancellor of the Exchequer made his proposition, he stated that the produce of the tax would be about 2,000,000*l.*, and that the charge upon land would only amount to about 400,000*l.* But he (Mr. Mullings) could not make any distinction between property in houses and property in land. He had taken some trouble to ascertain what would be the amount produced by this tax. By a return of burdens affecting real property, of the 19th of June, 1846, he found the annual value of real property assessed to the property tax in 1842, for England, Wales, and Scotland, was 95,284,497*l.*; add for Ireland, 12,000,000*l.*; increase since 1842, 8,000,000*l.*; making about 115,284,497*l.* He had deducted for leaseholds for years, and money secured upon land now paying duty, 35,284,497*l.*; leaving 80,000,000*l.* to pay duty. He had calculated the average mortality or duration of life, as conferring a succession, at twenty-one years' and the real estate at twenty years' purchase. He had tested this by an examination of descents in a copyhold manor, and they occur in twenty years. He had taken the Royal Family of this country since the Restoration, and found that from 1649, the accession of Charles II., to 1837, and adding twelve years for the period of deposition of James II., was 200 years; and there had been ten successions, which was just twenty years for each succession. The duty on the 80,000,000*l.* at 2⅘ per cent—the calculation of the Chancellor of the Exchequer, for personalty—would produce 2,200,000*l.*; but as the duty would be assessed upon life interests only, he took one-half of that amount, or fourteen years' purchase, which would be 1,100,000*l.*; to that he added one-third, as the difference between twenty-eight years' purchase for the real estate and twenty-one years for succession, 366,666*l.*, making 1,466,666*l.* It was admitted that the personalty now paying duty was only three-tenths of the whole; the whole of the present legacy duty was 1,315,300*l.*; from that he deducted, for leaseholds and charges upon personalty, 415,300*l.*, making 900,000*l.* He added for six-tenths, sinking the one-tenth, 1,800,000*l.*; to that he added for the realty the 1,466,666*l.*, making 3,266,666*l.* This 3,166,666*l.* odd would be the new tax; to that add the present legacy duty of 1,315,380*l.*, making 4,582,046*l.* He would have much preferred a tax of 6*d.* in the pound, like that proposed upon corporations, which would produce 6,000,000*l.* per annum, on 120,000,000*l.* of realty, and 120,000,000*l.* of personalty. They were getting back to the times of the ancient English tenures, when all owners (including monasteries) paid aids for the support of the Crown—which were now represented by our stamp duties—to reliefs for taking up the estate, which were represented by our proposed succession duty, and to fines on alienation, which were represented by the heavy charges for making out titles and proceeding to sales of estates, and which became so onerous and unbearable as almost to produce a rebellion, and which led to their entire abolition by the Statute 12th Charles II. The mode of recovering these was by inquisitions *post mortem*, which was again adopted by the 47th section of this Bill; and, as Sir Thomas Smith said, writing upon the Commonwealth, when he came to his own, after he was out of wardship, he found his wood damaged, his houses and buildings out of repair, his stock wasted, and his lands let and barren. To reduce him still further, he was yet to pay half a year's fine for sueing out of his livery; and when his fortune was so shattered and ruined that perhaps he was obliged to sell his patrimony, he had not even that poor privilege allowed him without paying an exorbitant fine for a licence of alienation. Tht right hon. Gentleman the Chancellor of the Exchequer had stated that the duty upon personalty would be two and four-fifths per cent, and that the duty upon land would be only one and two-fifths per cent, or one-half of that upon personalty. Now, he (Mr. Mullings) was utterly and entirely at a loss to understand or ascertain by any means of calculation how the right hon. Gentleman had arrived at that conclusion. The right hon. Gentleman then added that they called upon landed property to pay a more limited and lighter rate for two reasons: first, because there was no interest prior to a life interest. He (Mr. Mullings) could not understand this expression, but it appeared in the newspapers. [The Chancellor of the Exchequer: I said higher.] The word used was "prior." This, said the right hon. Gentleman, reduced the tax by one moiety, therefore the burden would be only one moiety of that upon personal property; and next, because to a certain extent landed property ran in a more direct line than personalty. He (Mr. Mullings) believed the very contrary was the fact. He could imagine no possible case in which the rate upon land would be lower than upon personalty; at all events, he could not conceive a case in which there would be the difference stated by the right hon. Gentleman. As a maker of as many wills, perhaps, as any man in the country, he knew of no such case; for he had tested the duration of life in various ways, and found it was twenty years; but for the purpose of considering this Bill, he would take it at twenty-one years. He came now to that which the right hon. Baronet the Member for Droitwich (Sir J. Pakington) had alluded to as the machinery of this measure. With regard to land, he admitted there would be but little difficulty in bringing it under the operation of the tax; but how did they propose to get at settled personalty? After considering this subject, he had come to the conclusion, that they would never be able to get such a return as would be required with regard to the personalty; that they never could get at that which was a subject of transmission from hand to hand; and would never be enabled to prevent a family from handing it over from one to the other of its members without returning it for the purpose of the succession duties. He believed, such were the powers granted by the Bill, that if it passed, they would have in future no trustees or executors—that men would not be found to put themselves into that position. By the 47th clause of the Bill it was provided that—

> "The Commissioners, for the purpose of ascertaining the duty payable upon any succession, may require any accountable party to afford to them such information as they may deem necessary, and also to produce before them or their officers such books and documents in the custody or control of such party as may be capable of affording any necessary information for that purpose, and they may make such extracts therefrom, and copies thereof, as they shall think necessary for the purposes of this Act."

Why, talk about the inquisitorial powers wielded of old under the order of the Court of Wards and Liveries—they were nothing to what these were! The House was now going back to those times, and to those principles, which became so onerous and burdensome that they nearly stirred up a rebellion, until the Statute of Charles II. abolished them. He was not one who would shirk taxation; but, if the country was to have a tax levied for the purpose of getting rid of indirect taxation, do impose one in the mode which had been proposed for the purpose of taxing corporations—namely, an annual payment of 6*d.* in the pound, which, he believed, would produce something more than the succession duties, for it would realise about 6,000,000*l.* per annum. He would support the right hon. Gentleman most cordially in a proposition of that kind, because he thought nothing could be more unjust than that they should stave off a burden from themselves to cast it upon those who succeeded them, and who would succeed to the property at a time when of all others they would not probably be able to pay these succession duties, and would have to mortgage the property to defray the payment to which they would be liable. He could not give his support to a Bill which he believed would inflict the greatest hardships, which would have most serious and burdensome consequences, and which, when its real effect came to be known, would in twenty years make the right hon. Gentleman to be considered one of the most dangerous and mischievous Chancellors of the Exchequer that this country had ever seen.

Mr. W. WILLIAMS said, he had several times brought the subject of the exemption of real property from legacy duty before the House, and he had pointed out the great injustice of levying the tax upon personal property alone. He had shown that out of 26,400 persons, whose wills paid the legacy duty, in 1848, 17,600 left property of from 20*l.* to 250*l.* That fact demonstrated that the whole of the larger properties of the country were exempted from taxation. He was astonished now to find great landowners denouncing, as a system of plunder, a tax of 3-8ths of one per cent upon their properties, which would only amount to a payment, allowing interest for the four and a-half years allowed to pay it in, of 11*l.* 12*s.* 6*d.* during a man's lifetime upon 3,000*l.* This was as paltry sum of which to say that its payment would stir up a rebellion amongst landed proprietors, while those hon. Gentlemen who made this loud complaint had the magnanimity to levy not only a legacy duty but a probate duty in addition, amunting to 12½ per cent upon the portion left to the poor widow, by her father and mother-in-law! He did not know where the justice and the Christianity of such a principle as this were to be found. Mr. Fox, Mr. Pitt, and Adam Smith had been quoted by hon. Gentlemen opposite; but Mr. Fox was decidedly opposed to the division of the Bill for taxing the succession on personal property from that for taxing real property. He denounced it in the strongest terms; and Mr. Pitt said of the tax upon real property that it would be the least felt of any. In 1841 he suggested to the late Sir Robert Peel the imposition of the same legacy and probate duty on landed and other real property as was paid on personal property, as one measure for making up the then deficiency of the revenue, instead of imposing the income tax. He had also moved it as an Amendment to the house tax proposed by the right hon. Gentleman opposite (Mr. Disraeli.) He considered that the Bill provided in the most efficient manner for reaching all descriptions of personal property, which was of infinitely greater value, and would produce an enormously greater amount of revenue, than the extension of it to land. The right hon. Baronet the Member for Droitwich had referred to the operation of this tax upon an estate of 100*l.* a year. Now the schedule valued an estate worth 100*l.* a year, to which a person succeeded at the age of thirty-five, at 1,500*l.* What was the amount of legacy duty which a person in the first degree of consanguinity—which the right hon. Baronet himself admitted was the case with nine-tenths of the landed property of the country—what was the amount of legacy duty which such a person would have to pay? Why, only 15*l.*, and that estate, valued at thirty years' purchase, might be sold any day in the market for 3,000*l.*, while personal property of the same amount would have to pay 30*l.*, and pay it in twenty-one days, too, though landed property was allowed four years and a half to pay it in, which was equal to an allowance of 22½ per cent in favour of land, and would reduce the payment of legacy duty payable on land to three-eighths of one per cent. [*Laughter.*] Yes, he would defy them to make it more. And yet the land had been hitherto exempted, while personal property had been taxed for the last fifty-seven years without a voice being raised in protest against it, except by the hon. Member for Montrose (Mr. Hume) and himself. All legacies that were made charges upon the land were called to pay duty, while the land itself had been exempt. He could not conceive how any man, calling himself a just man, could allow such a state of things to exist. There might have been some sense in proposing to repeal the tax altogether; but to propose to continue it upon personal property, while landed and real property were altogether exempted, was a gross and monstrous injustice. The right hon. Baronet (Sir J. Pakington) said that land paid 17,000,000*l.* of the taxation of the country; but he begged to remind the right hon. Baronet that the whole taxation of the country, public and local, was 75,000,000*l.*, so that the contribution of the land, by the right hon. Baronet's own showing, was disproportionately small. He hoped that the landed Gentlemen, for the sake of their own credit, for the sake of morality, for the sake of the position which they held in the country—he hoped they would not go into the lobby against a paltry tax like this, which only levied a tax of three-eighths of one per cent upon their own estates, while a legacy left to one of their own domestic servants was taxed 12½ per cent if bequeathed to him by a person beyond a certain degree of consanguinity. He hoped that this measure of the Chancellor of the Exchequer would be carried by a triumphant majority; and this at least he could tell him, that, be the fate of his measure what it might, he had, in proposing this tax, shown more political virtue, more moral honesty, than any of his predecessors had done for more than a century.

SIR JOHN TROLLOPE said, the hon. Gentleman who had just sat down argued this measure as if it were only one that affected gentlemen who were in possession of extensive estates. Now, as the representative of a county where there was, perhaps, the largest number of small proprietors in England, he hoped the House would bear with him for a very few minutes, while he endeavoured to state their case. The hon. Gentleman said the general taxation of the country amounted to 75,000,000*l.*, of which, according to the statement of his right hon. Friend (Sir J. Pakington), 17,000,000*l.* were exclusively paid as local taxation by the land. But his right hon. Friend in that statement referred to the rates upon property—he was not speaking of general taxation—and the hon. Gentleman forgot that the landed proprietors contributed their full share to the revenue of the country raised by indirect taxation, besides the sum of 17,000,000*l.* With regard, however, to the case of the small proprietors, he knew that this tax would press upon them with peculiar severity. Take the case of a proprietor of a few acres of copyhold. There were many parishes in his county where the land was entirely held by proprietors, varying from a few acres up to perhaps 300 acres. In many cases the produce of this land was all the property of the proprietors, and those who were acquainted with them know what a poor and hard-won maintenance it was. On the death of such a proprietor his successor paid a fine of two years of the improved rent, and the steward's fee frequently amounted to another year's rent more. In many cases that sum was only raised by mortgage; and if this additional tax were added, forcing the successor to another mortgage, what could the result be but ruin? And, if the Chancellor of the Exchequer forced on a compulsory sale, how could the measure be described but as confiscation? But he objected to this tax on still broader ground, because any tax was unjust that was unequal in its incidence, and in this case the incidence of the tax depended upon the uncertain duration of human life. Thus, one property might, and would, pay it five or six times, while another only paid it once. There was one large landed proprietor in his own neighbourhood—a noble Lord at whose house he first met the noble Lord the Member for London (Lord J. Russell) more than thirty years ago—and in that family there had only been one succession since the year 1756; and if the present noble possessor should live three years longer—which he hoped he might—this family would only have paid one succession tax (had it been in existence) in a century. Contrast this with another case in his own county, where, in the course of sixty-six years, there had been no less than seven successions in a family in the highest rank in the Peerage, while in four cases those successions took place within one year of each other; and in several cases the estates had gone to collateral descents. If the Government Bill had been in operation, there would have been confiscation in the latter of these cases, and exemption almost in the other. These inequalities made all taxes on succession most unjust and unfair. They were a step backward towards the feudal times, when estates were held *in capite;* and if this Bill passed, estates would really be held of the Crown. No property could be alienated while the Crown held a charge against the estate; and while this tax was impending no possessor of an estate could sell it. He believed that so long as any portion of this tax was unpaid, the debt might be entered up as a judgment, and would be a bar to the sale. [The SOLICITOR GENERAL: There will be the power of paying it in advance.] But suppose the owner were obliged to sell it to pay the debt. Having been security to the Crown for a friend whose situation required him to find securities, he found that he was unable to convey a few acres of land to a railway before he had received his *quietus* from the Crown. He had also acted as executor both in large and small estates, and as trustee of a large estate; but if this law should pass, he should for the future repudiate all these trusts, and never would he accept an executorship, for no man would be safe if this Bill were carried out in all its stringency. He did not mean to say that the tax was onerous in amount; and he admitted that the right hon. Gentleman, by allowing five years for its payment, was not disposed to make it more onerous than he could help. If, as he believed, executorships would be declined if this Bill passed, the landed gentry would be left to the tender mercies of the Court of Chancery, one of the most expensive courts in the country; and a large portion of every man's affairs would come under the purview of that court, which might account for the favour with which the Bill was regarded by hon. and learned members of that Court. He had risen, however, to plead on behalf of his constituents, the smaller proprietors, who had represented to him that it was a great hardship that their property should pay a succession duty, while the great corporate estates in their neighbourhood administered by trustees escaped scot free. He was happy to see that the Chancellor of the Exchequer now proposed to rectify this omission. He wished he would also rectify a still greater omission which the right hon. Gentleman had made in leaving out corporations sole, for he could see no reason why corporate charities should be taxed, and corporations sole should escape. The Chancellor of the Exchequer said he did not wish to tax the clergymen of small incomes, and he had adverted to the great expenses to which they were subject on their induction to their livings. But there were large prizes in the Church as well as small ones, and was it right that they should escape? A pregnant example had lately been given that the holders of the large prizes of the Church rejoiced in the measure of the Chancellor of the Exchequer, from the operation of which they were exempt. He thought that one of the most indelicate votes that could be given on their part; and when the House knew that many of these right rev. prelates were receiving more than three and four times as much as the Ecclesiastical Commissioners and Parliament had contemplated, he, for one, wished to ask, if the country were prepared that they should be untouched, or that they should sit in judgment upon a legislative measure from the operation of which they were altogether exempt? He must say that his feeling of the stability of that principle under which they allowed right rev. and most rev. prelates to vote away the property of others, while they themselves escaped unscathed, was very much shaken. He would ask the right hon. Gentleman the Chancellor of the Exchequer to look at the debates in the year 1796, and he would then see that when a less rate of duty was asked by one of our most potent financiers (Mr. Pitt), he did not propose to tax lineal descendants, and his *maximum* rate of payment was 6 per cent. This, too, was at a moment of great national peril, when the country and Parliament were prepared to vote for a large amount of taxation. The Parliament of that day, however, refused to Mr. Pitt what he hoped the present Parliament would refuse to his successor.

Mr. APSLEY PELLATT said, the general feeling among his constituents was that the Budget of the present Chancellor of the Exchequer far exceeded in value that of any former Minister, Whig or Tory, for many years past. A meeting had been held in the borough which he represented (Southwark), and, although there was some dissatisfaction expressed at the tax upon licences, yet his constituents were reconciled to what they considered the defects of the Budget, by finding the burden made to fall upon shoulders that had for so many years contrived to escape it. His constituents thought the financial scheme of the right hon. Gentleman eminently entitled to be called the Poor Man's Budget. [*Laughter.*] Hon. Members opposite might laugh, but he believed that the feeling was participated in by the rest of the metropolitan constituencies. He hoped that the great landlords of England would now, at a time when there was a proposition made to establish a uniform system of taxation, adopt the course which they ought long since to have adopted, and submit to the proposed tax upon succession. Of the Budget he believed the legacy duties formed the key-stone. The total repeal of the soap duty was universally admitted to be better than the remission of half the malt tax, while the succession duties favourably contrasted with the increased house tax. Admitting this to be a tax upon property, had they not taxed capital for the last fifty years under various descriptions of personalty, subjecting it to probate and legacy duties, from which the land had altogether escaped? The hon. Member for North Warwickshire (Mr. Newdegate) had said that the tax would bear extremely hard on a young man who had just succeeded to his father's property, and who would thereby find himself in a situation full of difficulties; but if that man happened, by the accident of birth, to be a commercial man, and succeeded to property in mills and machinery, he would find himself called upon to pay a probate and legacy duty which would press twice as hard as the proposed tax on successions. He agreed with the hon. Baronet who had just spoken that corporations sole had no right to be exempted from the succession tax. With respect to the class of persons who seemed to possess so much of the sympathy of hon. Members opposite, namely, the holders of small copyholds and freeholds, there were a great many in the neighbourhood of London, but he had never heard any complaint from them. If hon. Gentlemen opposite were really desirous of benefiting that class of persons, let them do all in their power to get rid of the copyhold system altogether, which, in his opinion, had a far more evil tendency than the imposition of this new tax could have. Another reason which induced him to support this measure was, that he considered it extended the area of direct taxation in the right direction, and, in addition to that, it was, in his opinion, a measure of retrospective justice due from the landed to the commercial interest.

Sir JOHN WALSH said, he regretted that he had been compelled to be absent from the House when the right hon. Gentleman the Chancellor of the Exchequer proposed his measures, for he must have derived some advantage from hearing those proposals expounded by the right hon. Gentleman himself. The right hon. Gentleman, in introducing his financial statement, had dwelt on the necessity of dealing with this question sooner or later. It required, said that right hon. Gentleman, a very limited degree of political foresight to see, that, in the course of some two or three years at the furthest, this tax must inevitably, by sheer force of public opinion, be enforced against the landed interest. But he (Sir J. Walsh) could not help thinking that the right hon. Gentleman was acting under a pressure of a far more urgent character than that to which he alluded. He could not help thinking, with the right hon. Baronet the Member for Droitwich, (Sir J. Pakington), that the existence of the present Ministry depended upon the introduction of this measure. It was well known that the appeal made to the country by the Government of Lord Derby had failed in placing them in a majority in that House; and in consequence of the arrangements which followed their retirement from office, the present Ministry came into power. Now, there was a party of Gentlemen, who, although they would, perhaps, have objected to an intimate connexion with the late Government, were still pledged to vote with them on one or two important questions. A union on any of these points would have been fatal to the Ministry, and it therefore became necessary to contrive some measure, which, by yielding some point to the extreme democratic party, would induce them to postpone their own operations; and as the tax upon succession had long been sought for by that party, that was the measure selected by the Government, and the result had been the relinquishment by that party of the graduated income-tax scheme—a question which would have been fatal to the Ministry. That appeared to him to be the cause for the introduction of the measure, and it did not seem to have been decided upon at once. He had listened to the speech of the right hon. Gentleman, at an early period of the Session, against one of the usual Motions of the hon. Member for Lambeth (Mr. W. Williams); and as he (the Chancellor of the Exchequer) then advanced many arguments against such a measure as the present, he (Sir J. Walsh) was not a little surprised to find him proposing a tax on successions to landed property. He (Sir J. Walsh) could not help thinking, that with respect to this measure, Her Majesty's Ministers were less the principals than the agents. He must look upon them as the instruments of that power, which, although in a minority in that House, had the means of influencing, and, in his opinion, to a most dangerous extent, the fortunes of this country and the conduct of the Government. Under such circumstances, it was difficult to know which, if indeed any, of the Members of the Government were in favour of this measure. He rather suspected that many of the arguments which pressed upon his own mind, pressed also with great weight upon that of the right hon. Gentleman himself against this measure. He would, therefore, feel it his duty to address his arguments, not to the Chancellor of the Exchequer, but to the hon. Member for Lambeth (Mr. W. Williams), as he was the leader of that party who had displayed the greatest anxiety to impose fresh burdens upon the landed interest. He opposed the imposition of this tax upon principle, and because he considered that the grounds urged by the hon. Member for Lambeth were untenable and not founded on fact, and contradicted by a careful and impartial inquiry into the subject. Even if he were to admit, for the sake of argument, that an injustice was being done to the owner of personalty, he would be at a loss to conceive how that would be remedied by extending the operation of the tax to another class; but, going even still further, he considered that the owner of personalty would not only derive no relief, but would actually suffer injury, from a larger amount of taxation being levied from an objectionable source, and thus causing it to enter more completely into the general system of the taxation of the country, and more difficult, consequently, at any future period to eradicate. The relief, in fact, which might have been given to holders of personalty would by this measure be rendered almost impossible, and they would be just as liable as heretofore to this tax. He would not dwell upon the subject of the burdens peculiar to the land, because his right hon. Friend the Member for Droitwich had treated it already in a manner that he could not hope to imitate; but he wished to correct the mistake which had been fallen into as to what his right hon. Friend had stated. The amount of revenue levied upon the landed interest by local burdens, was, as had been stated, about 17,000,000*l.*; but this was independent of other taxes to which that interest was subject in common with other classes. No substantial injustice had been done to the holders of personalty in subjecting them to the probate and legacy duties, because they had been exempt from burdens which had fallen with peculiar severity upon the shoulders of the holders of real property. He would say that there was a class of persons who had been relieved by the remissions of taxation to an immense extent, and whom it seemed to be the object of all Ministers of Finance to relieve still more; and not only that, but there had also been a tendency not merely to relieve that class of persons, but also to throw upon the class holding real property the whole mass of taxation from which those other classes had been relieved. There were bounds, however, to everything; and he did think that when it was proposed to saddle the landed interest, who were already suffering, with a fresh impost of a tax of a most onerous description, that it was their turn to ask whether a time had not arrived in which it was not necessary to proceed with such great rapidity in the relief afforded to other classes at their expense? He was told that he might subject himself to great unpopularity, and he was aware of what were now the general cries in this country. "Relieve the springs of industry," "Emancipate trade," "Reform the operative classes," were now the usual cries; but, in his opinion, the essential element of good government was to endeavour to reconcile the conflicting interests of all classes. But to consider this question from a right point of view, it was necessary to take into consideration the recent state of affairs in the country, and to consider if any system of taxation could be devised which would not disturb any existing interest. It should be asked, is the state of the country such as to render a change in the system of taxation expedient? Is it necessary, at the present moment, to extend the area of direct taxation in this manner? When the law imposing the probate and legacy duties was first introduced, the circumstances of the country were very different from what they were at present. At that time the country was fighting for its very existence, and the national independence was at stake. Hon. Gentlemen might ascribe our prosperity of late years to a variety of causes; but he believed that the foundation of that prosperity was laid in that war, and that by the firm and lofty position which England gained by the peace, she obtained that amount of prosperity which she subsequently enjoyed, and therefore those taxes and that war were the price which she justly and wisely paid for glorious results. The Budget of the right hon. Gentleman had not in any way referred to the chance of a war, and might fairly be considered as a peace Budget; but if the right hon. Gentleman had mentioned that there was a necessity of upholding the national dignity, or of maintaining, at all cost, any national engagement, then the case would have been very different. From the returns which had been laid upon the table of the House, it was quite clear that the income of the country was increasing. If one turned to the working classes, it was seen that there never was a period in which they were in a more prosperous condition, or in which wages were better paid; the necessaries of life were never cheaper, nor was there ever a greater demand for labour, or a greater degree of general prosperity. Why, then, he would ask, were the landed interest called upon at such a time to make this sacrifice? The landed interest had never, in any time of national emergency, been backward in responding to any claim made upon them; but there was no reason at present upon which any claim could be founded. He thought it only fair, then, to be informed on what ground they were asked to submit to this cruel sacrifice. He would take a rapid view of the history of taxation, because it was essential to consider what had been done of late years in the way of remitting taxes, and upon what classes the benefits of these remissions had chiefly been bestowed, for without this consideration it would be impossible to form more than a very imperfect opinion on the subject; and he could assure hon. Members who took alarm so easily that he would not detain the House at any length, nor enter into any long details, as he always considered that statistical details were better adapted for the closet than for a general assembly, and he would state the broad facts in a few words. The Return to which he would call the attention of the House was one made by the right hon. President of the Board of Trade of the income and expenditure of the country from the year 1822, although he did not understand why it had not been carried back as far as the year 1806, for if it had been the result would have been more satisfactory. The first fact to which he wished to call the attion of those hon. Members who belonged to the economical school was, that although attempts had been made by nearly every Minister of Finance to reduce the expenditure of the country—and he would not accuse any Minister of Finance of extravagance, for he was aware that every Finance Minister had endeavoured to introduce a principle of retrenchment—still their attempts had not been successful. The Return showed that in the last thirty years the income of the country had varied very slightly, and that the expenditure had sometimes been brought a little below its usual amount; but it had always been done at the sacrifice of the efficiency of some part of the establishment, and it had always been found necessary to restore it to its general average. The remission of taxation had been carried on to an enormous extent, and there had been remissions upon all those articles which entered into the consumption of the great body of the people. Upon all those articles which were connected with the growth of corn, upon the manufactures, and upon the foreign commerce of this country, during the period to which he had referred, there had been vast remissions of taxation, and the class of the people more immediately con-

But upon referring to what took place on that occasion, I find that my objections were of a totally different character. I said that I objected to the proposal then made, because it did not extend to settled property; and that if you interfered with this subject at all, settled property should be subject to the tax as well as non-settled. Well, my right hon. Friend the Chancellor of the Exchequer makes that part of his scheme; therefore that is an objection which I cannot make to the proposition before the House. But I then made another objection. I said the Chancellor of the Exchequer had made his arrangements for the finance of the year; that he had not proposed a succession tax amongst his ways and means; and that I was not so enamoured of taxation as to propose additional taxes beyond those which the Chancellor of the Exchequer considered necessary. But that is not the case at the present moment. The Chancellor of the Exchequer, in reviewing the taxation of the country, has very wisely made this part of his financial scheme. The question really is, whether you will continue this tax upon successions, and whether, so continuing it, you will make it an equal and a just tax. The right hon. Gentleman the Member for Droitwich appeared to be suddenly struck with the great injustice of the principle of this tax; he talked of the imposition of a tax on capital being contrary to the doctrines of all political economists, and said that he could not bear the idea of imposing a new tax on successions when persons had, as at present, very great difficulties to encounter. But the right hon. Gentleman had not been struck with these objections before. So long as they applied only to personal property—so long as persons inheriting personal property, or having it left them by legacy, were alone subject to this tax—all this injustice, all this violation of principle, passed unnoticed by the right hon. Gentleman and his friends. It was but the other day that, in speaking to a person with respect to this tax, he told me that he himself, having acted as an executor, had had to pay the legacy duty three times in two years for a person in a humble situation of life—a market gardener—who had left to a relation what, being chattel property, was liable to this impost. No doubt this, like many of our taxes, imposed very great hardships; and the right hon. Gentleman said at once that we had better get rid of it altogether. That is very easy to say, but there are at present more than 2,000,000*l.* derived from it; and the right hon. Gentleman has not proposed to get rid of it otherwise than in his speech. He did not propose a single step in order to get rid of the existing legacy duty; and he would, therefore, as it seems, leave those who are now subject to it liable to the hardships it imposes. Even with respect to that clause which so much excited the anger of the right hon. Gentleman, that, in a tempest of declamation, he called it "plunder"—the clause as to timber—he would have found, if he had looked at the Act of 1795, that when plate is left to a person who has no power to dispose of it, it should not be liable to legacy duty; but if left to a person with power to dispose of it, such a person should pay the tax on it as property. Now, exactly the same principle which is thus applied to plate is adopted by my right hon. Friend the Chancellor of the Exchequer in the case of timber, and in fact nearly the same words are used in both cases. But the right hon. Gentleman, who could feel nothing when the tax was only applied to plate, is suddenly indignant when it is to be applied also to timber. That affects the land; and if you affect the land you will have a democratic revolution. Therefore, it does seem to me that if you intend to make the tax at all equal and consistent, you should adopt at least the principle of this Bill. It is quite another matter, whether, in considering the Bill in Committee, you find the clauses properly adapted to carrying that principle into effect. I think the House will agree, as the country has generally agreed, that if there is to be a legacy duty—if there is to be a succession tax—it should apply to all sorts of property equally, and that it should not be applied by capricious rules to personal property in some cases and not in others, and to landed property in some cases and not in others. Hon. Members have been so much transported upon the subject as to predict very fatal effects of having a tax of this kind passed, and it has even been stated that the institutions of the country would be placed in jeopardy by the proposal. The only jeopardy I see has been the language used by the right hon. Baronet the Member for Droitwich, and the right hon. Member for Lincolnshire (Sir J. Trollope), in reference to the other House of Parliament, where not only they complain, in terms not at all ambiguous, of the decisions of that other House, but divide that House into two parts, and say, while they are quite satisfied with the Temporal Peers, they are not at all pleased with the conduct of the Spiritual Peers. Really, I am somewhat alarmed lest the Motion brought forward some years ago to "relieve," as it was termed, the Bishops from their duties in the other House, should be again brought forward, and this time under the potent sanction and support of the right hon. Gentlemen and their friends. I trust the right hon. Members will not pursue the opposition, opened in so strenuous—I may say so vehement—a manner; and that this measure, regarded as another attempt, by a revision of our taxation, to make that taxation more fair and equal, will receive the sanction of this House, as it has received the sanction of the country generally, and that no further impediment will be offered to the committal of the Bill.

Mr. W. E. DUNCOMBE said, it had been proved distinctly that the landed property of the country had been exempted from the tax upon succession in consequence of the large additions which had been made made to local taxation. When, therefore, the right hon. Gentleman the Chancellor of the Exchequer asked, why real property should not be dealt with in the same manner as personalty, he quite omitted to go through that long catalogue of rates and taxes to which that species of property was exclusively subjected. The right hon. Gentleman also stated that he extended the legacy duties to real property, in order to counterbalance the inequalities of the income tax; but he (Mr. Duncombe) was utterly unable to see how such a determination could tally with any degree of justice with his own acknowledgment, that the land of the country was charged as high as 9*d.* in the pound for income tax, while every other species of property was rated at but 7*d.* But was it a reason for imposing injustice upon one class that already another class should be dealt with in an odious and unjust manner? And, therefore, when the hon. Member for Manchester (Mr. Bright) boasted of the popularity of the financial scheme of the Government, he was utterly astonished to see the representative of the greatest commercial constituency in the kingdom delivering a speech of an hour and a half's duration in defence of a Budget which revived the unjust and inquisitorial income tax. The late Government had proposed a revision of taxation; but, to use the expressive language of his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), it was rejected because "it was not conceived in a spirit of hostility to the land." Granting the income tax did press with severity upon trades and professions, that could not be accepted as a reason why another tax equally unjust should be imposed. He looked upon the succession tax as a war tax, and nothing else. It had been stated, indeed, by the Government, that that was the end of their scheme; but it was capable of demonstration that this could not be. Hon. Gentlemen opposite might boast of having carried free trade, and also vaunt the success of their financial measures; but if, whilst they reduced taxation on one hand, they imposed heavy and odious taxes on the other—if they desired to increase commercial wealth at the expense of political economy, then their free trade was a fallacy, and their financial system a delusion. He never heard a proposition better calculated to prolong the war of classes than the present. The tax now proposed involved the necessity of either borrowing money to pay it, or else necessitated the sale of the land. But he could not understand how a Government, calling itself "Liberal Conservative," could conceive a measure, and propose it to Parliament, which would be so liberal in its effect and so conservative in its nature as to compel the confiscation of the landed property of the country, and he, therefore, should decidedly oppose it.

Sir EDWARD DERING said, he was anxious to avail himself of this opportunity to make a few brief observations as to the policy and justice of this measure, which the right hon. Gentleman had justly termed the pivot of his financial arrangements. He would preface his remarks by saying, that it was far from his wish to claim for the landed interest any exclusive privileges which were unshared by the other classes of the community; but, at the same time, he was prepared to contend, that in the revision of taxation which had been alluded to by the noble Lord the Member for London, it was the bounden duty, not only of the Government, but of that House, to provide, that all the great interests of the country should be placed on a footing of the most perfect equality. It was hardly possible to exaggerate the importance of the Bill now before the House: the amount which the right hon. Gentleman expected to realise by its adoption afforded no criterion of its real importance; because it was obvious that if the principle was once admitted, the amount was susceptible of indefinite increase. It was a measure which differed widely in its character from the income tax; it was not imposed for a temporary purpose, but it established (as the preamble of the Bill clearly stated) an impost which was hereafter to form a permanent charge on the real property of the country. Before they sanctioned the imposition of any fresh burdens on the land, they were bound to convince themselves that the Legislature had done everything in its power to remove existing inequalities, and to place the laws affecting real and personal property on one uniform basis. If he applied that test to the measure of the right hon. Gentleman, he did not hesitate to say, that it appeared to him essentially deficient in the fundamental principles of equity and justice. In the general principle laid down by the Chancellor of the Exchequer, "that some tax should be laid on all successions to property that may take place by death," he entirely concurred; but he thought the right hon. Gentleman had failed to show that there was any connexion whatever between that abstract principle and the particular measure which he was now pressing upon their consideration. What were his arguments on that occasion? In his financial statement the right hon. Gentleman proved to demonstration, that land paid already *2d.* in the pound more than other property; with what propriety, then, could he urge that his present proposition was necessary to redress the inequalities of the income tax? The right hon. Gentleman told them also, that without this tax, the finances of the country would not be in a state that would enable them to dispense with the income tax in 1860. He should much regret the prospect of any renewal of the income tax, but he had yet to learn on what principle of justice they sought to relieve the whole nation of its burden at the exclusive expense of the owners of real property. The right hon. Gentleman said, it was impossible to maintain the law as it stood, and called upon them to remove an anomaly most unjust in its nature. He (Sir E. Dering) admitted the existence of the anomaly; but he called upon the House to pause before they legislated, and to consider whether they would not inflict by this Bill a far greater amount of injustice than that which it was proposed to remedy. They were required to impose a new and heavy tax on real property, without making the slightest effort to remove, or even to lighten, those burdens from which the owners of personal property were almost entirely exempted. He did not allude to local burdens, because it had been already admitted that they amounted to 16 per cent on the gross income; and if any proof was required to show that 16 per cent was a *minimum* amount, he would refer to a property, the details of which were annually submitted to public examination, and were consequently above suspicion—he meant the Crown property of the Duchy of Lancaster, where hon. Members would find that the difference between gross and net income was not less than 25 per cent. The burdens, however, to which he alluded were of a different character, and were entirely under the control of Parliament: he meant the enormous expenses attending the transfer or mortgage of land in this country. The House had rejoiced to hear the declaration of the right hon. Gentleman, "that he would hail with satisfaction any measure for the reduction of the costly cumbrous machinery now in use." He duly appreciated the value of that expression of sympathy; but he would have felt still more gratified, if he had heard an announcement, on the part of the right hon. Gentleman, that, previous to imposing any fresh burdens on the land, he was prepared to introduce some broad and comprehensive measure, which would place the transfer of real and personal property on the same footing. No one in the House would be prepared to deny that the present state of the law as regarded the transfer and mortgage of real property was a great reflection on the intelligence of the age. It appeared to him, that one of the greatest obstacles in the way of carrying out any extensive system of reform arose from the imaginary difficulties conjured up by those who could not reconcile their minds to any innovations on old-established usage: but when public opinion had been strong enough to overcome this opposition, as for instance in extending the jurisdiction of the County Courts, it was marvellous how quickly difficulties, which at first were declared insuperable, if fairly grappled with, altogether vanished, and were heard of no more. In order to show that there was no practical difficulty in simplifying the present mode of transferring land, he would remind the House of the state of the law in reference to the exchange of land. By the 8 & 9 *Vict.*, c. 118, chap. 147, investigation of title was in certain cases entirely dispensed with. The effect of that clause was, that parties who wished to exchange lands were empowered to do so to any extent, without any examination of title whatever. They were required to show that they were in uninterrupted possession of the lands proposed to be exchanged; and to prove to the satisfaction of the Enclosure Commissioners that the exchange would be mutually beneficial. In order to secure publicity, the proposed exchange had to be three times advertised in the county newspapers where the property was situated; and at the expiration of three months, if no objection was raised, the transaction was completed by a short and inexpensive unstamped conveyance under the hand and seal of the Enclosure Commissioners, which secured the title as efficiently as the most expensive and complicated deed. He was speaking with confidence on this subject, because he had himself had practical experience of the benefits of that mode of exchange: a few years back he exchanged lands with a neighbour at a cost of little more than 10*l.*, which, under the old system, would have cost 150*l.*; and he was at the present time concluding another exchange of land, which he was informed on the old system would have cost 500*l.*, and which now would not cost one-tenth of that sum. He hoped the House would excuse his introducing such a personal matter, but it was precisely because it had come within his own personal knowledge, that he was enabled to speak as to its positive advantage. His principal object, however, in drawing the attention of the House to it, was to show, that, as the Legislature succeeded in making such an inroad on old-established usage some years back, and as no bad consequences had resulted from it, it was both a precedent and encouragement to the House to extend the principle, and to establish a comprehensive system of legal reform. There were two points on which he was anxious to say a few words; the first, the most important, and over which the House possessed the supreme control, was the stamp duties. There was, he believed, some difficulty in ascertaining the precise amount of stamp duties paid by real property, but he apprehended it far exceeded 1,000,000*l.* annually, and from this charge the owners of personal property were entirely exempt. On what principle, he asked, could such a distinction be justified? It was laid down as a fundamental principle by the late Sir Robert Peel, "that no extension of the legacy duties could take place without a previous revision of the stamp duties, and the taxes upon conveyances," and yet now it was proposed to impose the legacy tax, and at the same time to retain the burdens which had always been considered a full and fair equivalent. The pressure of the stamp duties would be seriouly increased by the operation of the Bill, which would necessarily increase very much the number of mortgages. Now the law, as it stood, taxed most heavily all mortgages, not only when they were first effected, but also when they were transferred or paid off: so that the landowner was placed in the unfortunate position, that he was compelled to borrow money in a moment of distress, on his first succeeding to his property—perhaps in an unfavourable state of the money market—he was placed entirely at the mercy of the money lender; whatever rate of interest was charged he dared not transfer it, because that would entail an expense as great as that which he incurred on the first investigation of his title; and if, by dint of economy he was able in a few years to pay off the mortgage, they rewarded that economy by subjecting him to the expense of another taxed deed, which was the only mode by which he could legally obtain the reconveyance of his own property to himself. The second point to which he would advert, were the enormous expenses incurred in the investigation of title. England, he believed, was the only civilised nation in Europe without a general register, or where it was considered necessary to establish a sixty years' title. It had been calculated that the value of real property was thus diminished by not less than three years' purchase; so that, assuming the annual value of real property to amount to 80,000,000*l.*, it formed at once a deduction from the value of 240,000,000*l.* The question naturally occurred, why should they require to carry their researches further back in England than in any other country? The farther they went back the more complicated, the more expensive, did the investigation naturally become. The Legislature appeared to recognise such a result when they passed the Statute of Limitations, 3 & 4 *Will.* IV., c. 27, by which twenty years of uninterrupted possession was held to constitute as good a title as sixty years had previously done. Twenty years had now elapsed since that alteration took place; no increase of litigation had arisen in consequence of that change, so far as he was aware; and although it might not be practical to apply the principle to its full extent to all investigations of title, he thought that a judicious curtailment of the present lengthened period of sixty years would be unattended with any practical inconvenience; it would afford substantial relief, and tend materially to diminish those heavy useless expenses that were now incurred. He thought they might take many useful hints from the practice that prevailed on the Continent in their mode of transferring property. For instance—throughout the whole of Germany, every town and every parish possessed its own register, and had the complete management of its own affairs. A purchaser wishing to buy land applied to the registrar to see that the seller had a clear title free from mortgage, and if the inquiry was satisfactory, he got the property transferred in the books of the registrar, from the name of the original possessor to his own. No previous sale of the property, no mortgage, nor any family settlement, would be valid unless it appeared on the register; and when the conveyance, which was very short and simple, and cost about 5*s.* per 100*l.*, was once registered and recognised by a court of law, it was so effectual as to prevent the possibility of any suit being brought against the registered purchaser. The result of that system was, that land was transferred with the same facility as stock; litigation arising out of that mode of transferring property was almost unknown, and they had evidence on the table of the House to show that land sold for several years' purchase higher than in this country. He was aware that without an efficient system of registration it would be utterly impossible to simplify the present mode of investigating title in this country. He knew he might be told that at this moment a Registration Bill was in progress through the House; but he also knew that there could be no greater delusion than to represent that Bill as likely, in the smallest degree, to facilitate the transfer of land. He was borne out in that view by the admissions made by the first legal authority in introducing the Bill into another place. The Lord Chancellor said, "I will not attempt to misrepresent to your Lordships, or to the country, what I conceive to be the advantages of registration; but it is obvious it can be of little or no immediate advantage." He would quote one more authority, because it was perhaps the highest on all matters connected with real property; Lord St. Leonards, in giving his opinion on the Registration Bill, said,

"that so far from simplifying the transfer of property, the burdens on land would be greatly increased by such a measure. If the Bill had been entitled a Bill to increase the burdens on land without a corresponding benefit, it would have been an accurate description of its practical effect." He (Sir E. Dering) believed that no system of registration would be effectual unless it was simple and inexpensive, and he questioned very much whether it ought not also to be compulsory. Their own experience in England was sufficient to show how utterly worthless was the establishment of a mere nominal register. They had already two register counties, and they had abundance of evidence on the table of the House to show, that so far from affording any facility for dealing with landed property, all transactions were more costly in Yorkshire and Middlesex than in the unregistered counties. The House would, moreover, bear in mind that they already possessed the materials for establishing a most efficient system of local registration. The whole kingdom was already divided into union districts, and they possessed first-class maps certified by the Tithe Commissioners, and which were ample to afford satisfactory evidence of the limits of property, if Parliament should decide on establishing a system of local registration. He had purposely abstained from commenting on the details of the Bill now under consideration, because if the House should decide on going into Committee, that would be a more fitting opportunity to point out the almost insuperable objections that might be urged against its adoption. When that time arrived, it would not be difficult to show, that a Bill more inquisitorial in its character, more complicated in its provisions, or more unjust towards the owners of real property, never was laid on the table of the House. When he spoke of the owners of real property, he repeated, that he claimed for them no exclusive advantage; the one before them was not a question of class interest—it ought not to be one of party warfare: it was a great social question, in the solution of which every class must feel its interests to be deeply involved. He wished the right hon. Gentleman could only be persuaded to act boldly up to his own convictions. The landed interest had never felt disposed to avoid their fair share of national burdens. If a uniform succession tax was necessary, let it only be fairly and equitably imposed, let it be accompanied with measures of even-handed justice towards the land, and the right hon. Gentleman would carry with him the voice of public opinion both within and without the walls of Parliament. He would add strength and stability to the Government, for he would rally round him a mass of independent supporters, who would enable him to carry out those measures on which he sought to establish a high and lasting reputation, and which he believed, from the bottom of his heart, would contribute most materially to the future welfare and prosperity of the country.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 268; Noes 185: Majority 83.

List of the Ayes.

Acland, Sir T. D.
A'Court, C. H. W.
Adair, H. E.
Alcock, T.
Anderson, Sir J.
Annesley, Earl of
Anson, Visct.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Beaumont, W. B.
Bell, J.
Benbow, J.
Berkeley, hon. C. F.
Berkeley, C. L. G.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Bonham-Carter, J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, Lord E.
Bruce, H. A.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Challis, Ald.
Chambers, T.
Charteris, hon. F.
Cheetham, J.
Christy, S.
Clay, Sir W.
Clinton, Lord R.
Cobbett, J. M.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coffin, W.
Collier, R. P.
Colville, C. R.
Coote, Sir C. H.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Crowder, R. B.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, E.
Denison, J. E.
Dent, J. D.
Divett, E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Dundas, G.
Egerton, W. T.
Egerton, E. C.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Esmonde, J.
Euston, Earl of
Evelyn, W. J.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Foley, J. H. H.
Forster, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gardner, R.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Greene, T.
Gregson, S.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hadfield, G.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, hon. C. S.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heard, J. I.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Keating, R.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Lacon, Sir E.
Laffan, R. M.
Laing, S.
Langston, J. H.
Langton, H. G.
Lascelles, hon. E.
Laslett, W.
Lawley, hon. F. C.
Lee, W.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Locke, J.
Loveden, P.
Lowe, R.
Mackie, J.
Mackinnon, W. A.
M'Cann, J.
MacGregor, J.
M'Taggart, Sir J.
Mangles, R. D.
Marjoribanks, D. C.
Marshall, W.
Martin, J.
Massey, W. N.
Masterman, J.
Mathieson, A.
Mathieson, Sir J.
Maule, hon. Col.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Michell, W.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mure, Col.
Murphy, F. S.
Murrough, J. P.
Norreys, Lord
O'Connell, M.
O'Flaherty, A.
Osborne, R.
Paget, Lord A.
Palmer, R.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Philipps, J. H.
Phillimore, R. J.
Phinn, T.
Pigot, F.
Pilkington J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Price, Sir R.
Pritchard, J.
Ramsden, Sir J. W.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Sadleir, J.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Scully, V.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smollett, A.
Stafford, Marq. of
Stanley, hon. W. O.
Strutt, rt. hon. E.
Stuart, Lord D.
Stuart, H.
Sutton, J. H. M.

Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Traill, G.
Turner, C.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, J. H.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Warner, E.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Wortley rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
Alexander, J.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Aspinall, J. T. W.
Bagge, W.
Bailey, Sir J.
Bailey, C.
Ball, E.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bennet, P.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blair, Col.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Bowyer, G.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. B. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Butt, G. M.
Butt, I.
Campbell, Sir A. I.
Carnac, Sir J. R.
Cayley, E. S.
Child, S.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Clinton, Lord C. P.
Clive, hon. R. H.
Clive, R.
Cobbold, J. C.
Codrington Sir W.
Coles, H. B.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Davies, D. A. S.
Dering, Sir E.
Disraeli, rt. hon. B.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Egerton, Sir P.
Elmley, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
French, F.
Freshfield, J. W.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
George, J.
Goddard, A. L.
Graham, Lord M. W.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Harcourt, Col.
Hayes, Sir E.
Heathcote, G. H.
Herbert, Sir T.
Hildyard, R. C.
Hume, W. F.
Irton, S.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kendall, N.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Lockhart, W.
Long, W.
Lovaine, Lord
Lowther, Capt.
Macartney, G.
M'Gregor, J.
Magan, W. H.
Malins, R.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Meux, Sir H.
Miles, W.
Montgomery, H. L.
Montgomery, Sir G.
Moore, R. S.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Pakenham, E.
Pakington, rt. hn. Sir J.
Palmer, R.
Parker, R. T.
Percy, hon. J. W.
Portal, M.
Pugh, D.
Robertson, P. F.
Rushout, Capt.
Seaham, Visct.
Seymer, H. K.
Smijth, Sir W.
Smith, W. M.
Smyth, R. J.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Sturt, H. G.
Talbot, C. R. M.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Villiers, hon. F.
Vyvyan, Sir R. R.
Waddington, H. S.
Walcott, Adm.
Walsh, Sir J. B.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Whitmore, H.
Wodehouse, E.
Woodd, B. T.
Wyndham, Gen.
Wynn, Maj. H. W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Taylor, Col.
Mandeville, Visct.

Main Question put, and *agreed to;* Bill *considered* in Committee.

House resumed; Bill *reported.*

SAVINGS BANKS BILL.

Order for Second Reading read.

The CHANCELLOR OF THE EXCHEQUER, in moving the Second Reading of this Bill, said it was a measure about which many persons felt particularly anxious; but it would be unreasonable in him, after the long debate they had just had, to detain the House with any statement of its general objects, the more so as he did not believe there was any intention to contest its principles. He wished to be governed by what might appear to be the general wish of the House, but he would suggest that the more convenient course would be to read the Bill a second time now, and to allow some time to elapse before the Committee, when he would propose to take the discussion.

MR. VANCE said, he must object to the second reading without a full statement of the purposes and objects of the measure.

He considered that it should have a retrospective operation, so that those poor persons who had suffered from the defalcations of savings banks might be repaid their losses.

MR. H. HERBERT thought the hon. Gentleman (Mr. Vance) was defeating his own object by opposing the second reading of the Bill. If he wished the Bill to have a retrospective operation, the proper course was to allow the Bill to be read a second time and to move a clause in Committee to carry out his object.

MR. GROGAN said, he hoped the appeal of his hon. Colleague (Mr. Vance) would meet with the attention of the House.

MR. SOTHERON said, that as the statements of the right hon. Gentleman (the Chancellor of the Exchequer) might be made on going into Committee, he hoped the House would allow the Bill to be read a second time then.

LORD CLAUD HAMILTON said, he thought that the settlement of the general question of savings banks would pave the way for the compensation which his friends the Members for Dublin asked for.

MR. GEACH said, he would not oppose the second reading of the Bill, but he hoped he would not be precluded thereby from opposing many of the provisions of the Bill which he thought objectionable.

Bill read 2°.

BOROUGH OF SLIGO.

MR. J. D. FITZGERALD said, he would now beg to move that a new writ be issued for the borough of Sligo.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a new writ for the electing of a Burgess to serve in this present Parliament for the Borough of Sligo, in the room of Charles Towneley, esquire, whose Election has been determined to be void."

MR. I. BUTT said, he should move as an Amendment, that the writ be suspended for a fortnight, in order that Members may have an opportunity of seeing the evidence taken before the Committee, and which the House had directed to be printed. In making this Motion, he believed that he was adhering to what had been—with one exception, and that a most questionable one—the invariable practice of the House. He referred more particularly to the cases of Bridgenorth and Blackburn, in both of which there appeared to have been less ground for postponement than in the present case; and yet, in the instance of Bridgenorth, the writ was postponed from day to day, and from debate to debate, until the evidence was in the hands of Members; while in the case of Blackburn the same course was not followed, only because, through a mistake of the hon. Member for Westminster (Sir J. Shelley) the evidence had not been ordered to be printed. Then, again, in the case of Harwich; though there was nothing in the Report of the Committee calculated to affect the sitting Members, yet, on the Motion that a new writ do issue, the hon. Member for Westminster having moved that a Committee be appointed to inquire into the state of the representation in that borough, the noble Lord the Secretary of State for the Home Department suggested that the debate be adjourned until the evidence was in the hands of Members. In the case of Sligo the Committee reported—

> "That the said Charles Towneley was, by his agents, guilty of bribery and treating at the last Election for the Borough of Sligo.
>
> "That Jeremiah Joyce O'Donovan, an Alderman of the Borough of Sligo, was bribed by Henry Stonor, by the promise of payment of 103*l*., being a portion of an outstanding election account, to forbear giving his vote, which he had promised to Mr. Somers, and in consequence absented himself during the election.
>
> "That it was not proved that the acts of bribery and treating were committed with the knowledge and consent of the said Charles Towneley.
>
> "That the influence of the Roman Catholic priests was exercised in a manner inconsistent with their duty as ministers of religion, and destructive of freedom of choice on the part of the voters."

He took his stand upon that Report. If his Motion should be negatived—which, however, he would not anticipate—he would suggest that it would save much trouble and turmoil, and spare the electors from intimidation, if Mr. Speaker would direct his writ to the Roman Catholic priests of the town of Sligo. He had no personal interest in the matter, but he was anxious to put a check in Ireland to influences that he believed to be destructive of liberty in that country: he felt that he should not be doing his duty if he permitted the House to issue the writ as a matter of course. Further, there was little in the past history of the borough of Sligo to entitle it to favour. Upon a former occasion Mr. Towneley, the very Member now unseated, was a candidate, and was then unseated for bribery and treating; and he (Mr. Butt) appealed with confidence to the House whether there were any instance during the present Session of a borough for which two successive elections had been declared void—the same individual being a candidate on each occasion—having had a writ sent down to it without inquiry. All he now asked the House was, to arrest the issue of the writ until the evidence was in the hands of Members, so that they might have the opportunity of considering whether or not that evidence would warrant the House in taking further proceedings; and with that view he begged to move as an Amendment, that the issue of the writ be suspended for a fortnight.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the Writ for the Borough of Sligo be suspended for a fortnight,'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

VISCOUNT PALMERSTON said, he did not wish to enter into the merits or demerits of the last election for Sligo. He believed it would be better for the House to abstain from entering upon that question until the evidence of the Committee was in the hands of hon. Members, who could then be better judges of the merits of the case. But he thought that the very circumstance of the evidence having been laid upon the table of the House, and ordered to be printed, so that it might reach the hands of hon. Members, and its not being as yet delivered, ought naturally to lead the House to agree to the Amendment of the hon. and learned Gentleman the Member for Youghal (Mr. Butt). This course would be more consistent with the former proceedings of the House in such cases, and he therefore strongly advised the hon. and learned Gentleman the Member for Ennis (Mr. J. D. Fitzgerald) to agree to the Motion for postponing the writ.

MR. BOUVERIE said, that the rule of the House was, that seven days' notice should be given before the issuing of the new writ. The House was now called upon to establish a new rule, to the effect that when the Member was unseated for bribery or treating, no new writ should issue until the evidence taken before the Committee was printed. This rule made the issuing of the writ to some extent dependent upon the caprice or convenience of the printer.

MR. VANCE said, as bribery as well as priestly intimidation was proved to have existed at the election, he thought the writ, instead of being suspended for a week, ought to be suspended for a fortnight.

MR. R. M. FOX said, he could not see why the writ should be suspended, unless by the established rule of the House. He hoped his hon. and learned Friend would not give way.

MR. J. D. FITZGERALD said, he must remind the House that the decision of the Committee on the Sligo election was come to as many as ten days ago. The only ground on which the issue of the writ could be contested was, that the Committee had reported that bribery had existed; but all they reported upon that head was, that a person was promised the amount of an outstanding election account if he refrained from giving his vote; but that promise, the Committee said, was not proved to have been made with the knowledge or consent of Mr. Towneley, the Member. He, therefore, rested his Motion on the constitutional right of the parties, unaffected as they were by the law, or by the finding of the Committee. He was, however, willing to adjourn the debate until Thursday, in order that the evidence might be placed in the hands of Members. He disregarded the intimidation at the election, because he considered the sitting Member was not to be made responsible for that, and that it did not affect the issuing of the writ.

MR. WHITESIDE said, that with every respect for the hon. Member for Kilmarnock (Mr. Bouverie), he must deny that there was any such rule known in the practice of the House; that on no other ground but that of bribery being reported could the House suspend the issue of a writ. In former times, when intimidation had been proved, not only had the House suspended the writ, but had sent the guilty parties to gaol; and, in his opinion, the fittest thing the House could now do would be to send to gaol the parties mentioned in the Report of the Sligo election as having been guilty of corrupt practices. He trusted the hon. Member for Westminster (Sir J. Shelley), who was so anxious to prosecute a gallant gentleman, Sir Frederick Smith, for having sought for a Post-office post for one of his constituents, would bring forward a similar Motion in respect to the Sligo alderman and magistrate named in the Report. As the House had ordered the evidence to be printed, in order that Members might be informed on the subject, he conceived the writ ought in the meantime to be suspended.

SIR JOHN SHELLEY said, he should

have been perfectly ready to follow the course suggested by the hon. and learned Member, if he had on a former occasion met with the slightest support from that hon. Member or his friends. In the case he had brought forward, the Committee used words to the effect that distinct bribery had been proved against Sir Frederick Smith; but when he proposed that that Gentleman should be prosecuted, the hon. and learned Gentleman himself, who now displayed such excitement, voted against the proposition. However, when an alderman was reported to have been bribed in a borough where it was supposed that Roman Catholic priests exercised a certain influence, which was perfectly unknown to be used by Protestant clergymen in this country, then the hon. and learned Gentleman became exceedingly excited on the subject. He was prepared to acquiesce in delay until the evidence should be in the hands of Members; and when he proposed, as he should do, that Mr. Mare should be prosecuted, he should be obliged for the support of the hon. and learned Member who had just appealed to him.

Lord CLAUD HAMILTON said, that, in consequence of the haste in which the notice of the issue of the writ had been given after the presentation of the Report, there had been barely seven days' notice of the Motion.

The **ATTORNEY GENERAL** said, he felt called upon to express his opinion that though it did not necessarily follow that because the evidence was not printed the writ should be suspended, yet in the present case there were circumstances of a special nature. The same Member had been twice unseated in succession for bribery and corruption; and, in addition to that circumstance, there was a special Report relating to intimidation. Now, without wishing to establish the present case as a precedent in any other, he must say that the circumstances in this instance were special in their character, and fully warranted the application for the further postponement of the issue of the writ.

Mr. VINCENT SCULLY moved the adjournment of the debate until that day week. In the meantime, the evidence would be printed, and in the hands of hon. Members. This course would fully satisfy every legitimate view that had been urged on either side. The issuing of the writ in the present case had been already delayed for a period of seven days, in compliance with a standing order of the House; but if the Motion to suspend it for another fortnight were now acceded to, there would exist a precedent for delaying the writ for three weeks in every instance where a single act of bribery might be found by the report of an Election Committee. It would be better at once to alter the standing order by enlarging the period from seven days to three weeks in all such cases. He had carefully attended to every argument used during this discussion, and having made a reasonable proposition, he should, certainly, divide the House upon it.

Mr. M. O'CONNELL seconded the Amendment.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 160; Noes 21: Majority 139.

Mr. I, BUTT said, that he understood the evidence could not be produced earlier than a fortnight. Adopting the precedent established in the case of Harwich, he wished to move that the writ should not issue for a fortnight. He should therefore move that the debate be adjourned to that day fortnight.

Viscount PALMERSTON said, he would recommend the House to adjourn the question till Monday, which would be quite compatible with the ulterior views of the hon. and learned Gentleman. The Motion was not that the writ should issue on Monday next, but simply that it should not issue before that day. If by that time the evidence should not be printed, it would be perfectly competent for the hon. and learned Gentleman to make a Motion on the subject.

Mr. I. BUTT said, that after what had fallen from the noble Lord, he would not persist in his Motion.

Mr. DIVETT said, he thought the best way of meeting the justice of the case was by acceding to the proposition of the noble Lord (Viscount Palmerston). Although great corruption was proved to prevail in the borough, yet he did not think the character of the borough was so seriously affected as to warrant the suspension of the writ.

Mr. R. M. FOX said, he wished to know whether the hon. and learned Gentleman intended to refer the matter to a Select Committee?

Mr. I. BUTT said, he had attended to the newspaper reports of the proceedings before the Committee, and he was perfectly prepared to say that further proceedings should be taken.

Debate *adjourned* till *Tuesday* next.

SOUTH CAROLINA.

MR. **FITZSTEPHEN FRENCH** said, that in calling the attention of Her Majesty's Government to the habitual imprisonment of shipwrecked sailors and other British subjects, being persons of colour, by the authorities of South Carolina, he begged to move for copies of all correspondence on the subject with Her Majesty's Consul at Charleston. The law of South Carolina was, that no free person of colour should by any pretence enter that State; if they did, they were to be brought before a magistrate and give bail to quit the country within fifteen days. If they did not, they were then subject to corporal punishment, or to be sold as slaves. This and other equally stringent enactments, were, in his opinion, an outrage not only against the usages but against the rights of man as recognised by the universal world. It was not for the honour of a nation holding itself so high as America did, that it should act towards other nations in the spirit in which South Carolina acted. But this conduct was not only against the law of civilised nations, but was in direct contravention of treaties entered into between the Supreme Government of the United States and of Canada. The British Government had several times remonstrated strongly against the continuance of this law; and in 1850 Mr. Mathew was appointed consul at Charleston, and that gentleman, in his representations to the authorities of South Carolina, had dwelt strongly upon the injustice to which British subjects were exposed in consequence. What they asked of the State of South Carolina, had already been accorded by another State, and he was inclined to think that the Legislature of South Carolina had to a certain extent admitted the justice of the demand, and, if properly pressed, would doubtless grant the request made to them. The correspondence for which he moved would show that Mr. Mathew had discharged the duties he had been called upon to perform in connexion with this subject with great credit to himself and honour to the country which employed him.

Moved—

"Address for 'Copies of all Correspondence with Her Majesty's Consul at Charleston, on the subject of the imprisonment of shipwrecked sailors and other British subjects, being persons of colour, by the authorities of South Carolina.'"

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, June 14, 1853.

MINUTES. PUBLIC BILL.—1ª Bankruptcy (Scotland).

ROYAL ASSENT—Consolidated Fund (£4,000,000); Burghs (Scotland); Sheriff and Commissary Courts (Berwickshire); County Election Polls (Scotland); Sales of Bullion; Aggravated Assaults.

LONDON DOCKS BILL.

LORD **REDESDALE** moved, that the Bill be now read 2ª.

The EARL of **SHAFTESBURY** said, he was anxious to call the attention of the House to the first result of their new Standing Order. The London Docks Company stated that the number of houses proposed to be pulled down was 322, and that the number of inhabitants to be displaced was 2,274. No provision had been made to accommodate them. He had, however, received a letter from the secretary to the company, which stated, that although the company were indisposed to become builders, they were prepared to erect on the ground they held dwellings for all their workpeople, and so relieve the pressure on those displaced by the removal from dwellings already occupied of all engaged in their service. This was, he said, an admirable example, which he trusted would be imitated by all improvement companies.

Bill read 2ª, and *committed.*

APPOINTMENT OF MR. KEOGH.

The EARL of **EGLINTON**: It will be in your Lordships' recollection that a few nights ago the noble Duke the Secretary for the Colonies (the Duke of Newcastle) charged a noble Lord connected with the late Government with having offered office to Mr. Keogh; and it may also be remembered that the name of Lord Naas was mentioned. I have to state on the part of that noble Lord that he distinctly and unequivocally denies ever having made, or been authorised to make, an offer of office to Mr. Keogh or to any of his political friends.

GREAT EXTRAMURAL CEMETERY ASSOCIATION BILL.

Lord REDESDALE moved that the Bill be now read 2ª.

The Earl of HARROWBY moved, as an Amendment, that the Bill be read a second time that day three months. He objected to this Bill because it was in contravention to the general policy of the measure which had been adopted by Parliament last year, which authorised the Secretary of State to cause all the burial grounds within the Metropolis to be closed, and to enable new cemeteries to be opened without the metropolitan districts. The site proposed under this Bill was in the parish of Willesden, and was therefore comprised within the prohibited limits.

Amendment *moved,* to leave out ("now") and insert ("this day Three Months.")

The Bishop of LONDON supported the Amendment on the ground stated by the noble Earl, namely, that the Bill contravened the general policy of their legislation with respect to intramural interments. The previous Secretary of State (Mr. Walpole) had the scheme of the promoters of this Bill submitted to him, and refused to give it his approval; and he (the Bishop of London) could not but think that the noble Viscount the present Home Secretary had been grievously imposed upon by the statements which had been made with regard to this Bill, and which had induced him to give it his sanction.

Lord BEAUMONT admitted that there might be defects in the Bill, which could, however, be remedied in Committee; but he maintained that by rejecting the measure altogether, they would defeat the object of their sanitary legislation of last year with regard to extramural interments. In London, up to the present moment, comparatively few of the obnoxious graveyards had been closed, the reason assigned being that no other sites could be procured at which the accommodation of cheap burials for the poorer classes could be obtained; but the power which had been given to the Secretary of State last year of authorising the establishment of cemeteries as private speculations at a certain distance from London, would facilitate the closing of metropolitan graveyards by providing places for the interment of the dead. Here, then, was a private company coming forward to supply what was wanted. The cemetery to which this Bill referred, was, he understood, at a considerable distance from any habitation, and was some miles further from London than the Kensall Green cemetery. He had been informed that the right rev. Prelate (the Bishop of London) had given a *quasi* consent to this Bill on a former occasion, provided a clause which he suggested was introduced. It was therefore fair to infer that unless there had been very strong recommendations in favour of this measure, and very few objections to it, the Secretary of State would not have adopted an exceptional course, and have allowed the promoters to proceed with the Bill. It was objected that, by sanctioning the establishment of private cemeteries, they would discourage parishes from providing such receptacles for the dead; but he believed that if the competition of private companies was prohibited, the accomplishment of this important species of sanitary reform would be materially retarded.

The Bishop of LONDON said, it seemed the noble Lord had been informed that he had given, not his consent, but his *quasi*-consent to this Bill. He (the Bishop of London) did not exactly understand what the noble Lord meant by a *quasi*-consent, unless it was the sort of consent which a young lady gave to an offer when it was first made to her. When the Bill was submitted to him, he had recommended the clergy of his diocese to look after their own interests, and promised to support them as far as he could; but he never gave his consent to the measure.

Lord BEAUMONT had merely concluded that the Bill had the assent of the right rev. Prelate, from the circumstance that he had sent a clause to its promoters for insertion in their Bill.

Lord REDESDALE wished to say, that when the parties came before him, they assured him that they had the consent of the Secretary of State to the Bill, and he therefore pursued the ordinary course, and gave his consent to proceeding with the Bill.

The Earl of WICKLOW considered, that by assenting to this Bill, the House would violate the engagements into which they had entered by the measure of last year, and would commit an act of gross injustice towards the parishes of London, many of which had, he believed, already made arrangements for obtaining extramural burial grounds.

The Earl of SHAFTESBURY thought, that although this Bill was not in consistency with the spirit of the Act of last year, it was quite in consistency with the letter of that Act. One section of the Act provided that no new burial ground, parochial or non-parochial, should be provided or used in the Metropolis, or within two miles of any part thereof, without the previous approval of the Secretary of State. The place in which this cemetery was to be established was within the prohibited distance; but the consent of the Secretary of State had been obtained to the measure. Dr. Sutherland, who had been appointed by the Secretary of State to examine the locality and report upon its fitness for a burial ground, had expressed his opinion that, although there was no habitation near the place, and although the access to it was easy, the clayey nature of the soil rendered it objectionable as a place of interment. He (the Earl of Shaftesbury) would suggest, however, after what had taken place, whether the best course would not be to afford the Company an opportunity of explaining their case before a Committee?

On Question, That ("now") stand part of the Motion, their Lordships *divided*:—Content 37; Not Content 36: Majority 1.

Resolved in the *Affirmative*. Bill read 2ª accordingly, and *committed*.

HACKNEY CARRIAGES (METROPOLIS) BILL.

Amendments *reported*.

The EARL of WALDEGRAVE moved the omission of the 15th clause, which prohibited hackney-carriage drivers from receiving into their vehicles any persons suffering from infectious, cutaneous, or contagious diseases.

LORD STANLEY OF ALDERLEY said, the clause had been introduced in consequence of representations made to the Government that persons suffering from various infectious disorders, such as small-pox, were frequently conveyed to hospitals in public cabs—a practice which tended greatly to disseminate disease; and it was to meet that evil that the clause was framed. Some of the hospitals and a few parishes had provided conveyances, by which persons afflicted with contagious diseases were removed—a far better plan than risking the health of the community by permitting the indiscriminate use of the public vehicles.

The EARL of DERBY had no doubt that the object of the clause was well intended, but he questioned whether it would not be productive of greater evil than it proposed to remedy. The clause would render impossible the conveyance of any person attacked by dangerous disease, for every cabman would feel obliged to refuse to admit him into his carriage. If there had been such provision generally existing as the noble Lord (Lord Stanley) said existed in some parishes, of special conveyances for diseased persons, the clause would not be objectionable; but under the present circumstances it would be sometimes attended with cruelty, and would place drivers of public carriages in an invidious position by requiring them to ask of every passenger if they had any fever, or to stare in the faces of their fares, in order to ascertain whether they were afflicted with any cutaneous disorder. The object of the clause was, no doubt, good; but it was carrying legislation beyond just bounds, and he begged to suggest its withdrawal.

LORD CAMPBELL, as one of Her Majesty's Judges, begged to observe, that if they passed the clause it would be difficult to find out what were infectious diseases. If the question were to come before the Judges, he suspected that six of them might be found on one side, and half-a-dozen on the other. Some people said there was no such thing as infectious diseases. How was it intended that the question should be decided? Was it to be decided by a jury, or how?

LORD STANLEY OF ALDERLEY said, he would withdraw the clause.

Clause *withdrawn*; Report received; further Amendments made; Bill to be read 3ª on Thursday next.

SOUTH CAROLINA.

LORD BEAUMONT, in rising to move that an humble Address be presented to Her Majesty for Correspondence respecting the Law of the State of South Carolina on Coloured Seamen arriving in Port, said, that in bringing this subject before their Lordships, he had no intention of renewing in this country the angry discussions which had taken place in reference to it on the other side of the Atlantic; nor did he wish to avail himself of the present opportunity for declaiming on the wretched condition of the slave population generally. His sole object was to introduce the exact state of the case to the notice of their Lordships, and to show that means existed for removing the difficulty, without doing anything offensive to the State of South Carolina. He also desired to express a hope that the inhabitants and authorities of that State would themselves take steps of their own goodwill for bringing about that result which all desired to see effected. Their Lordships were no doubt aware of the severe laws which existed in South Carolina with respect to men of colour arriving at the ports of that State. A law now stood on the Statute-book of that State which empowered the sheriff of the district to go on board any ship which arrived in their ports from any quarter of the world, whether putting in from stress of weather, or from any other cause; to seize all the coloured men whom he might find in the vessel, and to imprison them in the public gaol during the whole period the ships remained, and then to march them back again to the vessel when she was again about to leave the port. Several laws had been passed upon this subject by the State; but the one to which he wished more particularly to refer upon the present occasion was enacted in the year 1835, and he must ask their Lordships to pay attention to the date, because upon it a most important question turned. The Act was entitled "An Act for more effectually preventing free negroes and other persons of colour from entering into the State of South Carolina." The first section set forth that it should not be lawful for any free negro or other person of colour to be brought into the State under any pretext whatever, either by land or by water; and it went on to enact that any free negro or other coloured person refusing to leave the State should be subject to such corporal punishment as the courts might think fit to award; and it further enacted that, if he still remained after the infliction of such corporal punishment, he should then be sold in public sale as a slave. The second section enacted that it should not be lawful for any free negro or other person of colour to enter the State on board of any ship, as cook, steward, or mariner, or in any other employment, and it empowered the sheriff to seize such free negroes and other persons of colour as might be brought into the State by captains of vessels, and to detain them until the ships were again ready to put to sea. Now, as their Lordships were aware, the small craft which carried on the trade between the West Indies and certain portions of the State of South Carolina were necessarily, for the sake of economy, manned by mixed crews, consisting partly of coloured and partly of white men. When these small vessels arrived at Charleston, they were regularly boarded by the sheriff, and the whole of the negro sailors were taken away, the captains being thereby compelled to employ slave labour for discharging and loading their vessels, in substitution for the free labour of which they were thus deprived. Of course, that materially interfered with the commerce of the West Indies; and he regretted to say that the evil had recently been still further aggravated by a decision of the courts, to the effect that no person apprehended under the Act was entitled to a writ of Habeas Corpus. Such, then, was the law of South Carolina; and the object for which it had been instituted was avowedly the protection of the State from the dangers which might arise if free negroes were allowed to associate with the slaves, and if nothing were done to prevent such communication. There was, however, an existing treaty between this country and the United States, which gave certain privileges to our merchants, shipowners, and captains of vessels trading with these States; and the question naturally arose—what was the effect of that treaty upon the municipal law of South Carolina? If the treaty was made subsequently to the passing of the municipal law, then it was entered into by both parties with a full knowledge of the nature and object of that law, and it could not be permitted to override or influence the operation of that law in any way, unless such was specially provided in the treaty itself. No doubt, a treaty, when once ratified, became the supreme law of the countries entering into it, but the understanding always was, that it should not affect existing laws; though, on the other hand, if an attempt were made by one of the parties, after the ratification of the treaty, to defeat its object by the passing of a municipal law, the other contracting party would have a right to demand that the terms of the treaty should be adhered to. Now, it seemed that a commercial treaty was entered into between Great Britain and the United States, as far back as 1815. In that treaty it was declared that between the territories of the United States and the European possessions of His Britannic Majesty, there should be a reciprocal liberty of commerce, and that the merchants of both countries should enjoy complete and perfect security for their trade, subject to the laws and statutes of each. This treaty was finally renewed in 1827, and by an Act of Congress itself, in 1830, the commercial privileges which were enjoyed by the European possessions of His Britannic Majesty were extended to the British West Indies. Such being the case, it seemed that some parties in this country—he supposed the Government of the day—interpreted the State law of South Carolina and the treaty together, in such a manner as convinced them that the latter overrode and neutralised the former —that the treaty had been in force before the passing of the State law—and that it could not be set at defiance by any subsequent municipal law of South Carolina. Instructions were accordingly sent to the British Consul at Charleston, directing him, in the first place, to endeavour by amicable means to get the State law altered, and if that failed, to bring the matter before the supreme tribunals of the United States. Now, he (Lord Beaumont) would not himself give any opinion with regard to the point, whether the treaty overrode the State law, or the State law the treaty, because, after looking carefully at the subject, he thought a good deal might be said in favour of the view taken by South Carolina, while strong arguments might also be adduced on the other side. However that might be, the British Consul at Charleston in 1850, addressed a communication to the Legislature of South Carolina on the subject. A committee was appointed to consider it, and that committee reported against any modification of the municipal law, though certain hints were thrown out at the same time that it was possible the law might be altered at some future period. Affairs stood in that position when, in 1852, a coloured seaman (Manual Pereira), belonging to a vessel driven into Charleston, the port of South Carolina, was taken by the sheriff from his ship, and detained in gaol. A motion was immediately made in one of the courts of that place, on the part of the British Consul, for a writ of Habeas Corpus; but the application was rejected, and the Governor of the State went the length of declaring that he would have instructed the sheriff, under any circumstances, not to give up his prisoner. These proceedings, as a matter of course, led to much excitement, and he believed a great deal of ill blood was excited on the occasion. However, the British Consul thought it his duty to proceed in his opposition to the State law; and accordingly he took advantage of the case of a coloured seaman, named Roberts, to bring the question before the Supreme Courts of the United States, actually serving a writ of trespass and false imprisonment upon the sheriff. There the case stood at present. No further steps had been taken in the matter. He was sorry to say that a great deal of bad feeling had been shown in Charleston towards the British Consul, from whose proceedings no result had come, nor was likely to come, and, indeed, it was much more probable that a remedy would be applied by South Carolina itself, than that the Federal Government would endeavour to force its opinion upon that State. He was induced to say so from a passage in one of the reports of the Governor of South Carolina on the subject, where he recommended, should the question be fairly raised, a modification of the law, so as to require captains to confine their coloured seamen to their vessels, and to prevent their landing without a ticket of leave from the sheriff. He (Lord Beaumont) believed a modification to that extent would remove the grievance complained of, at all events it would be a step in the right direction. He should be sorry to see instructions sent out likely to cause any further irritation, without leading to positive good; and he trusted our Consul would be instructed not to let the subject drop, but attempt to induce the Legislature of South Carolina to take the initiative in correcting the evil. He trusted they would, of their wish and inclination, commence a modification of this severe law, rather than leave us to obtain it from them as a right, and bring the action of the Federal Government to bear upon the Government of South Carolina. Having placed the matter fairly before their Lordships, he would conclude by moving for a copy of the correspondence which had taken place on the subject.

The EARL of CLARENDON said, that he had listened with the utmost attention to the speech of his noble Friend, and that he felt extremely glad that the subject with which it dealt had been brought before their Lordships with so much moderation, and which certainly contrasted in a striking manner with the extreme irritation which the subject had excited in the State referred to. He believed his noble Friend had in that speech truly described the state of the law which now prevailed in the State of South Carolina. Since his noble Friend had given notice of his Motion, he (the Earl of Clarendon) had looked over the correspondence to which it referred. That correspondence was very voluminous, since it extended over a period of 30 years, and exhibited not only the great difficulties which this country had to contend with in connexion with the subject to which it related, but also the very considerable difficulties by which that subject was in other respects surrounded. The principal difficulty which lay in the way of a satisfactory settlement of the question was the tenor of the treaty of commerce between this country and the United States. By that treaty the utmost freedom of commercial intercourse between the two countries had been stipulated for and guaranteed; but in addition to that stipulation there was a provision which had reference to the particular laws of the individual States. Under that proviso it was that South Carolina insisted upon the maintenance of the municipal law to which his noble Friend had alluded; and he (the Earl of Clarendon) had no hesitation in saying that the question had been referred to different gentlemen who had acted as the law advisers of the Crown, and that the opinion of those gentlemen was, that, however unjustifiable the present law might be, the Government of this country; had no right to demand its supercession under the treaty, nor to seek for compensation for the injuries which might be inflicted upon Her Majesty's subjects under its operation. Remonstrances, however, had been used upon the subject, and an appeal had been made to the Government of the United States, not only with respect to what Her Majesty's Ministers considered the unconstitutional character of the existing law, but also with regard to the spirit of the treaties which subsisted between the two countries. The views of Her Majesty's Government upon the subject were shared by the Government of the United States, and by many of the highest constitutional and legal authorities of that country; and upon one occasion a Judge of the Supreme Court in that country had pronounced the law unconstitutional and unjust. The same opinion had been given in this respect by the Attorney General of the United States; and a distinct representation had been made by the Federal Government to the Legislature of South Carolina of the unconstitutional and severe character of the law. That representation had been met, upon the part of the Legislature of South Carolina, by a message so violent in its nature, and by a resolution so angry and defiant, that a stop had been put to the renewal of all interference in the matter upon the part of the United States Government. The British Minister at Washington had subsequently protested against the law being put into operation; but he had been told by the Foreign Secretary of the United States that if England insisted upon the abrogation of the law, the United States Government would have no other course left open to them, but to give notice determining the treaty itself. The British Consul in South Carolina had been instructed to bring an action for false imprisonment against the authorities in that State, in order to test the validity of the law; but the result of the efforts which he had made had seemed only to demonstrate that the more we exerted ourselves to get rid of that law, the more determined did the Legislature of South Carolina appear to be to maintain it. Great Britain, he might add, was not the only sufferer by this law of South Carolina, which applied equally to all the States of the Union; and he (the Earl of Clarendon) learned from a despatch which had been written by Sir Henry Bulwer in the year 1850, that the inhabitants of the State of Massachusetts had complained of the existence of the law in question, but that they had never been able to make the least way in redressing it. He felt that so far as the interference of this country was concerned, there was still less chance of bringing the matter to a satisfactory conclusion, because such interference upon the part of England with the internal affairs of another State, would naturally be looked upon with a jealous eye. He was quite willing to give the papers moved for; but he must, in doing so, express the hope that they would not lead to any irritating discussions, or to the treatment of the matter by the press in a tone of which some persons seemed to be apprehensive. The grievance was one which would not be remedied by discussions in this country. The proper mode of proceeding would be by remonstrances, by timely and discreet representations by our agents on the spot, and by manifesting our readiness to give such guarantees as should secure the State of South Carolina from any disturbance of its public and social tranquillity. By such means he still trusted that we should be able to obtain from South Carolina the same modification—abrogation he did not expect—of the law which had been conceded by North Carolina and by Louisiana, without the least inconvenience to these States.

On Question, *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 14, 1853.

MINUTES. PUBLIC BILLS.—1° Law of Evidence Act Amendment.

3° Convicted Prisoners Removal and Confinement.

BOROUGH OF HARWICH.

SIR BENJAMIN HALL *presented* a petition from certain electors of Harwich, stating that full inquiry into the corrupt practices prevailing at the last election for that borough had not taken place before the Select Committee, and praying for a thorough investigation on the spot by means of a Commission of Inquiry.

SIR JOHN TYRELL said, that, notwithstanding the petition just presented, and notwithstanding the charges of bribery and corruption brought from time to time against the borough of Harwich, it was a singular fact that there existed no evidence of a legal character upon which any lawyer could get up in that House and say that there ought to be any measure of punishment inflicted upon the electors of Harwich. Not one tittle of legal evidence had been adduced before the recent Committee of that House, and the borough of Harwich was quite immaculate and pure as compared with others for which writs had been issued. He had a petition to present from the Mayor, Aldermen, and burgesses of Harwich, in which they declared that, although it had been alleged in the Report of the Committee that there was a corrupt understanding between Mr. Attwood's agent and the late Member for Harwich, there was no evidence to show that any elector in the borough was cognisant of any such proceeding. He was quite sure that, if evenhanded justice was dealt out, there would be a new writ issued for the borough of Harwich immediately; and he would, therefore, not trouble the House further, but at once move the Resolution of which he had given notice.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Harwich, in the room of George Montagu Warren Peacocke, esquire, whose Election has been determined to be void."

SIR JOHN SHELLEY, in the absence of his hon. and gallant Colleague (Sir D. L. Evans) said, he would beg to move the Amendment of which notice had been given. He thought that if there was one place which stunk more than another in the nostrils of the people of this country, it was the borough of Harwich. There had been election petitions, and gentlemen unseated, at each of the general elections, in 1841, 1847, and 1852; and although perhaps only one case of bribery had been proved before the late Committee, it would not be right to draw from that any conclusion favourable to the borough, because the witnesses had absconded, and could not be discovered while the Committee was sitting, although they returned to their residences immediately after it had concluded its labours. He thought that this was in itself a sufficient reason why the House should be in no hurry to issue the writ. Believing that there was no individual who could put his hand on his heart and say that he did not believe that Harwich was one of the most corrupt places in the kingdom, he begged to move the Amendment to which he had referred.

MR. FERGUSON said, he cordially seconded the Amendment. As a Member of the Select Committee which had inquired into the circumstances attending the last election, he believed that corrupt practices did extensively prevail in Harwich.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee of Five Members be appointed by the Committee of Selection, to inquire into the state of the Representation of the Borough of Harwich,'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. HEADLAM said, that he could not, as Chairman of the last Committee of Inquiry into corrupt Practices in the Borough of Harwich, agree with the hon. Member for North Essex (Sir J. Tyrell) in saying that there was no evidence of bribery having been committed there at the last election. One case was clearly established before the Committee, though it was at the same time true that it was not brought home to the sitting Member. The persons implicated in the bribery had absconded, and had succeeded in evading an appearance before the Committee. At the same time it was fair to say that there was no evidence of general bribery and treating at the last election, and consequently there was not any foundation for the issue of a Commission of Inquiry into the borough under the provisions of the Act passed last Session. Mr. Peacocke was unseated because it was clearly proved that he had entered into a corrupt contract with Mr. Attwood for his interest in the borough. This contract was carried into effect by Mr. Attwood, who wrote upwards of thirty letters to different electors to secure their votes for Mr. Peacocke. The question then arose whether upon this state of facts a new writ should issue. Now he (Mr. Headlam) had always acted upon this principle, namely, not to refuse a writ unless there was some clear, definite, practical course to be adopted with respect to the borough; for instance, unless there was some evidence before the House on which to found either the issuing of a Commission, or some distinct Motion respecting the borough which it was necessary should be decided beforethe writ was issued. But even if the House should decide upon the appointment of a Committee asked for by the hon. Baronet the Member for Westminster (Sir J. Shelley), that was not a sufficient reason for suspending the writ in the meantime. He should not object to the appointment of such a Committee, if the hon. Baronet thought that he could elicit any new and useful facts concerning the borough; but he would call his attention to the fact that there were already numerous reports in the library made by the various Committees which had sat upon the elections of this borough during the last few years.

Sir FREDERIC THESIGER said, that he trusted the House would be of opinion that a new writ should issue for the borough of Harwich, and that they would not agree to the suggestion of the hon. Baronet the Member for Westminster (Sir J. Shelley), who did not bring it forward as a substantive Motion, but as a substitute for the issuing of the writ. It might be quite true that Harwich had acquired a very bad reputation, but they must take care not to be misled by prejudices arising from that source. It was quite true that Mr. Attwood was unseated for bribery in 1841; but it was also true that the cases on which he was unseated having been subsequently investigated before a jury, verdicts adverse to the charge of bribery were returned in both cases. Since 1847, there had been four single elections, and the last general election. The hon. Member returned at one of these elections was unseated for want of qualification; and another election was voided in consequence of the returning officer having closed the poll before the legal hour, there being at this election no allegation whatever as to the existence of bribery or treating. At the last election only five charges of bribery were made against the sitting Members; and the Committee merely reported one of these as proved. They also, it was true, reported that there was an arrangement between Mr. Peacocke and Mr. Attwood, by which it was arranged that on the payment of a certain sum of money by Mr. Peacocke, Mr. Attwood should procure his return as Member for Harwich. The evidence, however, on that point was, that Mr. Attwood's agent stipulated for the payment of the expenses of a former petition, and that Mr. Peacocke said that he would take the matter into consideration. He thought that in construing this to be such an agreement as would, under the provisions of the 49th *Geo.* III., void the seat of Mr. Peacocke, the Committee had construed the law in rather a stringent manner; but, however, that was their decision, and he bowed to it. The House would recollect that they had determined in favour of the issue of a new writ for the borough of Rye, although it was proved that great influence had there been exercised upon the voters by means of loans; the case of Harwich was infinitely weaker than this; and he hoped, therefore, that they would not act inconsistently with their own decision, by refusing to issue this writ.

Mr. AGLIONBY said, that the case of Rye was not the only one which might be quoted as a precedent in favour of the issuing of this writ. The case of Plymouth was much stronger than that of Harwich; and yet, although the Election Committee had reassembled to inquire into the state of the borough, a new writ had been issued pending their investigations. Even, therefore, if they agreed to the appointment of the Committee moved for by the hon. Baronet the Member for Westmeath (Sir J. Shelley), that would be no reason for refusing to issue the writ.

Mr. T. DUNCOMBE said, he agreed with the hon. and learned Member for Stamford (Sir F. Thesiger) that the Amendment of the hon. Member for Westminster was not the best remedy that could be adopted in this case. Harwich, in his (Mr.

T. Duncombe's) opinion, was quite ripe for disfranchisement. In 1842, a Committee, known as Mr. Roebuck's "Compromise Committee," considered the case of Harwich. Before that Committee it was adduced that Mr. Attwood had been returned with Mr. Beresford, and that it was endeavoured to be arranged that Mr. Beresford should retire, and Sir Denis Le Marchant take his place. But Mr. Roebuck's Committee completely spoilt that arrangement; and did their Report bear out the assertion of the hon. Baronet (Sir J. Tyrell), that there was no legal evidence of bribery or corruption at Harwich? The Committe said in their Report—

"The Committee also find that the electors in number are 182.

"That the sum of money expended by Mr. Attwood for the election of himself and Major Beresford was, as nearly as the Committee can ascertain, 6,300*l.*, and that of this sum a large portion was expended in direct bribery by the agents of the sitting Members, and paid chiefly at periods subsequent to the election. This sum is exclusive of the money paid for the compromise. The person said to be employed for the purpose of receiving the money and engaging others to distribute it was a banker of the town, who has died since the election.

"That among thirty persons a sum of above 3,000*l.* was distributed in direct bribes.

"That Major Beresford paid no part of this sum, he not having contributed to the expenses of the election.

"That the gross cost of the election on the part of Sir D. Le Marchant was, as nearly as can be ascertained, 1,500*l.*; and that a part of this sum—how much does not appear—was spent in an illegal manner, and 500*l.* went to pay certain former outstanding accounts.

"That the gross cost of the election to Mr. Bagshaw was 500*l.*

"And it appears also that bills against Sir D. Le Marchant and Mr. Bagshaw, to the amount of between 300*l.* and 400*l.* remain yet unsettled."

That was a long time ago; and he did not say these bills were unsettled now. The Committee added—

"It would appear also that a large part of the whole constituency were bribed."

What was Mr. Attwood's account of the affair? He said—

"Previously to my going down to Harwich, I mentioned to two or three of my friends in town that I was invited to stand for Harwich. I told them that I was a perfect stranger to the place; that if I could go in a proper manner, without acting in any dishonourable or improper way, I should go with my friend: but if I could not go in that way I would not go near the place; and my friends said, 'We believe you have nothing to fear about that,' or something like that. I said, then I would go. I will state to the Committee that when the first application was made to me or money, I was astonished at the amount. I said a good deal about it; but I was not informed at that time that I should be called upon again; but after that I was called upon again, to my great astonishment. I paid a second sum. I believe I was called upon a third time, and I was very much astonished indeed, and I said a good deal against it. But then, standing upon my honour, what could I do? There were these sums to be paid. They appealed to me, 'Can you help paying them?' and appealing in that kind of way to my feelings, I considered I should not be acting honourably if I did not pay them; but it was very much against my inclination. I would sooner have paid five times the amount in any other way than that, if it had been left to me."

Mr. Bagshaw, who was an unsuccessful candidate at that election, was examined before the Committee. He was asked—

"Are you, directly or indirectly, cognisant of any bribery at the last election, practised by your agents or local committee, or any member of it, on your behalf?—I have since the election heard that there has been bribery committed. I was not aware of it at the time.

"Do you know, of your own knowledge, that a large number of the Harwich constituency received bribes at the last election?—Yes; I think the great majority of them.

"Of your own knowledge?—I have seen those sort of documents which confirm me. I do not mean to say that I saw the money paid to them, but I think I could induce any Committee to believe that they were all bribed, directly or indirectly.

"Have you, through Sir Denis Le Marchant, as late Secretary to the Treasury, or through any other source, procured any Government clerkships or other appointments for Harwich electors, or for relations of electors?—I should think about twenty or thirty have been procured within the last five years, but not through Sir Denis Le Marchant. Perhaps it would be amusing to the Committee to know that there are more people of Harwich employed in Government appointments at this instant than there were on the poll.

"Your canvass was completed before Sir Denis le Marchant arrived?—Yes.

"Had you made a successful canvass?—Most successful.

"What majority did you think would be returned by you?—I polled 83 persons. I had 100 certain promises, and two persons that I did not reckon on voted for me.

"Which would have given you a clear majority?—Yes; there were only 180 persons who could vote."

Well, that was the history of the election of 1841, which was subsequently made matter of inquiry by a Committee in 1842. Nothing, however, resulted from that inquiry, and the next election took place in 1847, on which occasion, though Mr. Attwood would of course do nothing improper, somehow or other, having been returned, he was unseated on petition for bribery. Sir John Hobhouse was returned accordingly in his place; but another election came off on that right hon. Baronet being raised to the Peerage. Then came the case of Mr. Prinsep, unseated for want of qualification; and of Mr. Crawford, declared not duly elected in consequence of the poll being closed too soon. His hon. and gallant Friend the Member for Westminster (Sir De Lacy Evans) then moved for a Committee of Inquiry, and the writ was suspended until the following Session of Parliament. On that occasion a Motion was made that an inquiry should be instituted into the state of the borough; but the House decided that it would not institute an inquiry. Well, then came the question, what was to be done with the writ? On that occasion he (Mr. Duncombe) stated that only two courses were open to the House, namely, either to disfranchise the borough, or to issue the writ. It was decided accordingly that the writ should be issued, and the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly) was returned in consequence. Well, then, there was evidence of a system of bribery having prevailed in this borough, which, in his (Mr. Duncombe's) opinion, fully entitled it to the distinction conferred upon Sudbury and St. Albans. But then Mr. Attwood came out again, and having bought the electors upon a former occasion, it seemed he was now prepared to sell them. And, therefore, he took a sum, five and twenty hundred pounds or so, and seemed to treat the whole matter as a kind of speculation, feeling that he could return whomsoever he liked, and that it would be absurd in any one to go to Harwich without the countenance of Mr. Attwood. He wrote letters to fifty or sixty electors who were his tenants, asking them to vote for Mr. Peacocke. Well, the question was, whether the investigation of the other day was complete. He believed that it was not; and, coupling that incomplete investigation with all the delinquency which had been displayed upon former occasions, he believed that the House would be stultifying itself were it to accede to the Motion of the hon. Member for North Essex (Sir J. Tyrrell). He would, however, have very much preferred to vote for the Motion of the hon. Member for Westminster (Sir J. Shelley), if he was asking for leave to bring in a Bill to disfranchise the borough, for to that it must come at last. It returned two Members for its 200 electors; it would still have one, and surely it would be still sufficiently represented. Next year they were to have a new Reform Bill, and of course the noble Lord the Member for the City of London would not forget to deal with this borough; and the more so, as he would have one foe the less to contend against, because he might depend upon it that the two Members for Harwich would always stand up for its purity, as the hon. Baronet the Member for North Essex had done on the present occasion. He should vote for the Amendment of the hon. Member for Westminster, though he must repeat that the middle course it indicated was not the proper one to be adopted.

Mr. MASSEY said, he quite agreed that though common fame might possibly be a good ground for disfranchising a borough, it was no ground whatever for withholding a writ. When such grave imputations were cast upon the constituency's discharge of the elective franchise, it would be hardly decent or hardly consistent with the constitutional usage of that House to issue the writ without further inquiry. Time was, no doubt, when candidates obtained seats openly and professedly by means of bribery: for instance, the late Sir Samuel Romilly found it much more convenient to enter Parliament by the payment of a sum of 3,000*l.*, rather than appeal to one of the larger constituencies. That, however, was many years ago, and he had imagined that all such practices had been abolished. Here, according to the Report of a Committee, a borough was charged with having returned a Member through the instrumentality of a corrupt bargain, and it was not right that the writ should issue without such an allegation having been inquired into. If a Commission could prove that Mr. Attwood had cheated Mr. Peacocke out of his money, then the borough would clear itself; but if, in consequence of that bargain Mr. Peacocke had been returned to that House, it would be a mockery to continue such a system.

Sir ROBERT H. INGLIS said, he held that a constituency had an absolute right to send a representative to that House—a right only qualified by the Report of a Committee appointed to consider the circumstances of a former election. In the present instance all the circumstances were in favour of the issuing of the writ. The question was not what Harwich did in 1841 or 1847, but whether, in the circumstances of the last election, there was anything to justify the suspension of the writ. In the absence of such Report, he thought that, *ex debito justitiæ*, the borough had a right to claim the issue of the writ. The authority of the Chairman, who was perfectly conversant with the facts, was against the disfranchisement for which they had been told the borough was so ripe. He, therefore, cheerfully concurred in the proposition of the hon. Baronet the Member for North Essex, as he had heard nothing to deprive his fellow-subjects of their constitutional rights.

Lord JOHN RUSSELL: Sir, I cannot agree with my hon. Friend who has just spoken, for I think this House has a right to suspend a writ—a right which has been exercised ever since the time of the Revolution. I believe, however, that our course upon the present occasion must be a good deal determined by the course which we have taken upon former occasions. At the commencement of the Session I gave it as my opinion, that in every case in which a Report of an Election Committee should be made to this House that a seat had been gained by bribery, and that a Member had been unseated, we should proceed to appoint a Select Committee to investigate the subject; and if it should appear to that Committee that extensive corruption had prevailed, that then the House, proceeding according to Act of Parliament, should inquire into the practice of the borough by a Commission. That, however, was not the opinion of the House; and it was very evident that a great majority were in favour of the issuing of the writ in those cases where the express words of the Act of Parliament were not reported by the Election Committees. I think, therefore, Sir, that it is very difficult, after the decision that was then come to, to single out a particular borough, and to say that this is a worse case than any other that has come before us, or that in this particular case circumstances are more aggravated or more condemnatory of the borough than in previous cases in which the writ has been issued. I find the great difficulty that I believe the present to be the strongest case that has yet come before us, much stronger than the case of Rye, which the hon. and learned Gentleman (Sir F. Thesiger) takes up with such great zeal. There is, however, another reason which should determine us in the course to be adopted, namely, that the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam), who was Chairman of the Committee, has stated that in his opinion the writ ought to issue. Now, I own I give great weight to the authority of the hon. and learned Gentleman, as he must be well aware of all the circumstances of the case. But at the same time, while I say that the previous course of the House, and the authority of the hon. and learned Member for Newcastle-upon-Tyne, would determine me to vote as to the issuing of the writ, I confess I very much agree with what has been stated by my hon. Friend the Member for Finsbury (Mr. T. Duncombe) with respect to this borough. I certainly cannot see how Parliament can overlook the Report which the Election Committee made to this House; and with regard to the particular facts and arguments stated by the hon. and learned Member for Newcastle-upon-Tyne—though perhaps I do not say they are an authority against the issuing of the writ, nevertheless I will say that they very much condemn the borough. For it appears there was a regular bargain and sale of the seat. Before the Reform Act it is perfectly notorious that many Members procured their seats by paying down certain sums of money to those who commanded influence in particular boroughs; and it would appear that in the present case, in accordance with the old usage, a sum of money was paid by a Member of this House, and an engagement was entered into with Mr. John Attwood, through his solicitor, for securing his election. Why, this amounts not merely to one case of bribery, but it determined the majority of the electors in the borough; for it is not to be supposed that a gentleman would agree to pay a sum of money unless he could obtain in return a majority of the votes of the constituency. In this instance the foresight of the purchaser was justified, and he was returned a Member to this House. But, then, why did not the Committee pursue its investigation further? Why, we are told by the hon. and learned Member for Newcastle-upon-Tyne that the two witnesses from whom they expected to ascertain all the facts, had disappeared, and that they could not, therefore, get at their evidence; that it appeared further, that since that time they have been living quietly at Harwich in pursuit of their usual occupations. I own I must conclude, even if this House should issue the writ, that the case of Harwich is such as that there ought to be immediately further inquiry by a Select Committee with respect to the state of that borough: either that, or some hon. Gentleman can move for leave to bring in a Bill to disfranchise it. I am ready to vote for either of those courses. If the House should think that there is not sufficient evidence with regard to the former corruption, or the actual corruption of the borough of Harwich, there can be further inquiry; but, at all events, I believe that the case alleged is such that for the sake of the character of this House the borough ought to be disfranchised.

Mr. D. WADDINGTON said, he hoped, as the representative of Harwich, he should be permitted to offer a few observations on the present occasion. It was not his intention to enter at this time upon the issue raised by the hon. Member for Westminster (Sir J. Shelley) as to the comparative corruption of large and small constituencies; but when the noble Lord the Member for the City of London should agitate that question in connexion with his promised Reform Bill, he would venture to give his opinion, founded on long experience, as to which class of constituency was most prone to be operated on by improper influences. That, however, was not the question now to be considered; neither was the question what Harwich had been, but what it now was—not what it was in 1841, but what it was in 1852. He asked the House whether it was prepared to deprive the electors of Harwich of the right to exercise their constitutional privileges according to their conscientious conviction? Was it because an individual, through the medium of his private solicitor, was reported to have entered into a pecuniary arrangement with Mr. Peacocke, that they would deprive the rest of the constituency of the elective franchise? He (Mr. Waddington) stood there as evidence that Mr. Attwood's influence was not requisite to return a Member for the borough of Harwich upon pure and independent principles. He had been called upon to stand for Harwich, and he had been told that unless he saw Mr. Attwood, and obtained his influence and that of his agent, that his return would be quite impossible. But he refused to do so; he maintained that refusal, and he had never seen either Mr. Attwood, his private solicitor, or his agent, until they appeared before the Committee of the House of Commons. But if he were to be told that he was not again to go to Harwich—and go again, let him say, he intended to do—because, forsooth, either Mr. Attwood or Mr. Peacocke had committed an indiscretion, he would say at once that this House was casting a slur upon the electors of Harwich, and upon all who desired to be returned upon pure and independent principles. He would state to the House that the whole expenditure on account of his election had amounted to but 61*l*., and beyond that sum his return for the borough of Harwich had not cost him one sixpence, either directly or indirectly. It was downright injustice to the Conservative party to place upon their shoulders the bribery which took place at the last election for Harwich, for there was not a tittle of evidence to support such a charge. He maintained that on that occasion not so much as one single glass of ale had been distributed on behalf of either of the candidates. Inasmuch, then, as he believed, notwithstanding the sneer of the hon. Baronet the Member for Westminster (Sir J. Shelley), that Harwich was removing out of that state of abeyance in which she had been so long kept through the instrumentality of party politics, and that by means of improved communication which it now enjoyed that she would be ultimately placed in a state of great commercial importance, he called upon the House not to perpetrate an injustice by suspending the issuing of the writ.

Sir JOHN TYRELL said, that after what he had heard from hon. Members, he would beg to inform the House that he held in his hand a petition to the House of Commons from the mayor, aldermen, and burgesses of the borough of Harwich, in which they stated that they were ready to submit to any investigation which that House might prescribe, but they expressed a hope that in the meantime no delay might be suffered to deprive them of their constitutional rights. He would remind hon. Members, before they proceeded to harsh measures with regard to this borough, that it had sent to that House such illustrious men as Huskisson and Canning.

Mr. PHINN (who was met with shouts of "Divide, divide!") said, if hon. Gentlemen would only hear him for a moment they would learn that he wanted to spare them the trouble of dividing at all. He wanted to suggest to his hon. Friend the Member for Westminster the advisability of withdrawing his Amendment, after what had fallen from the noble Lord the Member for the City of London.

Sir JOHN SHELLEY, under the circumstances, would do so. He begged to say, however, he would still vote against the issuing of the writ, and that it was his intention at a future day to move that the borough be disfranchised.

Amendment, by leave, *withdrawn.*

Main Question put.

The House *divided*:—Ayes 247; Noes 102; Majority 145.

THE BALLOT.

MR. H. BERKELEY rose, pursuant to notice, to ask leave to bring in a Bill to give to the electors of Great Britain and Ireland the protection of the ballot. When Lord Aberdeen's Ministry announced to the country their intention to bring forward a measure of reform, he had hoped that the ballot might have been a component part of their scheme, and that they would have deemed it necessary to protect the consciences and the persons, the minds and the bodies of electors at the polling booths. But finding a distinct intimation in the addresses of Lord John Russell and Sir James Graham to their constituents, that they were determined not to have anything to do with that measure, he, under a strong sense of duty, and by the counsel of friends for whose judgment he entertained a great respect, had deemed it necessary to ask permission to legislate on that subject. When he last addressed a House of Commons on that question, it was on the eve of a general election. Lord Derby had determined to throw himself on the country; and perhaps that might have suggested to Mr. Dickens the idea of Lord Doodle throwing himself upon the country in the shape of sovereigns and beer. The emissaries of the two great factions were on the alert. The springs for moving the constituencies were put in order; they had it in evidence that gentlemen high in office —for instance, the Right Hon. Wm. Beresford—had taken counsel with Mr. Frail, of Derby notoriety, no doubt for the purpose of securing purity of election for the great Tory party; at the same time they had ocular demonstration that the Right Hon. Wm. Goodenough Hayter might be seen taking counsel with Mr. Coppock, of St. Albans celebrity, no doubt for the purpose of securing the same inestimable blessing for the Whig party. They had evidence that the masquerade shops had been ransacked; that wigs, whiskers, spectacles, and disguises had been put in requisition—that *aliases* and *alibis* were in vogue—and all this to usher in with due solemnity England's great septennial saturnalia, and to do honour to those mighty bacchanalia in which Her Majesty's Cabinet Ministers would seem so greatly to rejoice. At that time he raised his feeble voice to point out to the House the gathering storm. He endeavoured to show that England was about to place herself in a position disgraceful to a Christian country in the eyes of Europe. Two hundred years ago, old John Evelyn had made the same complaint, almost in precisely the same words. He spoke of "the confused, debauched, and riotous manner of electing Members qualified to become representatives of a nation," and said that elections more resembled a Pagan bacchanalia than an assembly of sober and Christian men. Was it not a disgraceful fact, that after the lapse of two hundred years, with the march of intellect, the increase of intelligence, the progress of education, and the ceremony, not to say the mockery of a Reform Bill, those very evils still formed the earnest complaint of every honest man, from Dovor to Inverness, from the Cove of Cork to the Giant's Causeway? Some forty years after John Evelyn had made this complaint, another great reformer arose—Daniel Defoe attacked the evils which Evelyn had deplored; and he pointed out the ballot as the remedy. His writings must have taken great effect on the public of that day; for the House of Commons passed a Bill to make the ballot the mode of electing Members of Parliament; but it was rejected by the Lords, who of course refused to lay the axe to the root of their own unconstitutional influence. Well, our great Paganlike bacchanalia had passed over, and left the nation staggering under its effects. A great and fierce party struggle had taken place, in which tyranny with its iron heel had crushed the very germs of liberty from our electoral system; bribery and intimidation had gone hand in hand to complete the work of general demoralisation. When he (Mr. Berkeley) last spoke he warned the House that flocks of low attorneys—the means by which the House of Lords returned their nominees to the House of Commons—were hovering over the land, like the harpies of old, seeking to pounce upon and defile the banquet spread before them. Those flocks of attorneys were now gorged, sated, ruminating upon the past enjoyment of unlimited expenditure and untaxed bills, or repluming themselves for another flight, allured by the prospect of an hundred teeming election petitions upstairs, involving the outlay of some 200,000*l.*, of which those gentlemen expected, and no doubt would obtain, the lion's share. Such were some of the consequences of our glorious electoral system—that system of which we were so proud, which was so manly, so English—so especially English, that other nations repudiated it. The honest portion of the electors themselves hated and detested it, for it was to them a system of humiliation and disgrace; and at a general election they suffered under what might be appropriately termed a reign of terror. While they hated and detested this system, a majority of the elected were determined to abide by it; thus showing to demonstration that they were not elected by the voice of the electors, but by a power which controlled that voice. The evils of the system were twofold: they consisted in bribery, including treating and intimidation. That House had made many futile attempts to put down bribery; all its efforts had been addressed to that point; no effort had been made to put down intimidation. They compelled their Committees to take an anomalous and inconsistent course; they forced them to turn out of that House Members who were perfectly innocent of bribery themselves, because some agent, either through gross cupidity, or treachery, had either given some venal elector a couple of pounds, or had drenched some beast with a gallon of beer. While thus intent on purity of election, they permitted candidates, their friends, and agents, to drive their tenants to the poll, there to falsify their consciences, and to give a dishonest vote. They permitted customers to compel tradesmen to vote, under pain of ruin. They permitted creditors to drive their debtors to the poll or to prison. They permitted masters to discharge their servants; and thus they permitted a reign of terror to pervade the country from one end to the other. That was straining at the gnat, and swallowing the camel. Intimidation was the giant malady of our electoral system; in comparison with it, bribery was a dwarf complaint. The action of bribery was simple; they purchased a man's conscience, and commanded his vote. Though bribery was indefensible, there might be redeeming features in it. He had known a workman redeem from pawn his box of tools through receiving an election bribe. He had known medical aid furnished to an ailing family through an election bribe. But what redeeming feature was there in intimidation? Its action was complex; its effects were manifold. Its weapon was punishment; and it worked by that far-famed instrument, wholly and solely English in its invention and application, the election screw. Need he tell the House what the election screw was, and how it worked? It was a power which the elector could not resist, short of ruin. It commenced with an inquisition into his private affairs, worthy of a Fouché or a Vidocq, carried on by the election agents; and when, by means of this severe inquisition, his liabilities and misfortunes were laid bare, the power became clear by which he might be acted upon. The working of the system was to twist from the free, manly, and independent Englishman a dishonest vote. Some eight years ago, in seconding Mr. Ward's Motion, he had demonstrated at some length the mischiefs of the election screw, as might be seen in *Hansard;* and he would state a few instances which he had then gathered from the canvassing books of election agents. These books contained the names of the electors, either printed, lithographed, or in manuscript, with their residences and avocations, against which was left a margin for the experienced agent to enter his remarks. The following were some of them:—"John So-and-so, publican, votes against us. *Mem.*: Put the screw on him through Mr. So-and-so, the spirit merchant, with whom he is in arrears." "Thomas So-and-So, beershop-keeper, refuses to promise. *Mem.*: Canvass him in company with Mr. So-and-so, the licensing magistrate." "Peter So-and-so, cheesemonger, splits his vote. *Mem.*: Put the cheesefactor upon him to make him plump." "Abel So-and-so, tailor, votes against us. *Mem.*: Makes Sir Thomas So-and-so's liveries: apply to Sir Thomas to compel him to split, or not vote at all." He could add instances of this kind *ad infinitum,* with the names of the parties; and, if he were before an Election Committee, he could call evidence to prove the existence of that election screw to an extent scarcely credible. For one case of bribery, there were 5,000 cases of intimidation. It was ramified throughout every grade of society; every man was brought more or less to screw his neighbour. The Committees took a course that appeared anomalous and ridiculous, if their object was purity of election; for though taking cognisance of bribery and open intimidation, through physical force leading to a breach of the peace, they passed by this screw. Though its operation came before them as a matter of course, yet as a matter of course they must pass over it, for there was no law which they could wield against it. This was remarkably exemplified in the Clitheroe Committee. They referred, in their Report, to bribery and physical-force intimidation, but said not a word of that more deadly intimidation which turned the small farmer out of his holding, which ruined the tradesman, or put the debtor in prison. That was passed by; coming under the name of the screw, the Committee did not feel authorised to report upon it. To show how the screw acted at Clitheroe, he would read a letter of one election agent, who hired another election agent for the purpose, and the sole purpose, of putting on this election screw. It was a letter from one William Wheeler, the agent of Mr. Matthew Wilson, the sitting Member, to one Robert Wittam, a farmer, who it appeared was a gentleman that had great influence with poachers and prizefighters; and he had been tampered with to obtain a mob of 300 men to bully and beat the electors; but it seemed he preferred the service of Mr. Wilson, and altogether rejected those overtures. That letter was as follows:—

> "Dear Sir—We are greatly obliged to you for your letter of the 28th of June, and for your kind exertions on the part of Mr. Wilson. Every vote that we can get will be wanted, and therefore I should be glad to hear of any addition to our strength. James Watson, of Brownlow, has not yet promised; and although we expect he will vote for Mr. Wilson, still a word from you will, perhaps, get a definite promise. They are putting on the screw with their tenants in all directions, and we must do the same in self-defence. Have you any other tenants voters? Mr. Sutcliffe Witham has a Joseph Green, who is all right, and a Tomlinson whom I should like you to see; in fact, any one you have any influence over. Of course you must charge me with your personal expenses and loss of time, which I shall be glad to pay.—With thanks, believe me yours truly,
>
> "W. Wheeler.
>
> "June 30, 1852, Clitheroe."

If these electors were as many buck rabbits, they could not be spoken of more contemptuously, and the mode of handling buck rabbits was very suggestive of the mode in which these gentlemen dealt with the electors. They took a buck rabbit by the ears and transferred him from one hutch to another. The experienced quadruped never kicked nor resisted; by a like kind of process they transferred the tenant at will to the polling booths, and the experienced biped was equally passive. Was this a state of things which an enlightened nation should suffer without attempting to apply a remedy? But against intimidation they had no remedy whatsoever. He defied the most astute Member of that House to point out anything like a remedy for it. There was no remedy but the ballot; and they knew it. They could make no law to prevent a landlord from ejecting a tenant at will when he pleased. The landlord was not obliged to assign his reason for doing it; and they could not make him assign one. They could pass no law to prevent that. They could make no law to prevent a customer from changing his tradesman as often as he pleased; it was utterly impossible to make a law to prevent that. They could make no law to stay the judgment creditor, and prevent him from putting his debtor either into the polling booth or into prison. That was utterly impossible. Through every grade and phase of society they could make no law to compel the employer to keep on the employed. Then, what Act could they pass to prevent this intimidation? The cases he had referred to were those in which the very gist of intimidation consisted. Open voting exposed the voter to the influence of persons who, by the knowledge they so obtained, were able to deal out punishment or reward to the elector. The elective franchise was thus wrested from the class that was legally entitled to it, and was usurped by others, who had no right to it at all, more particularly by Peers of the realm, who were forbidden by law from interfering in elections for Members of Parliament. Secret voting was the only mode of preventing this evil; and he should not trouble the House on the subject of intimidation, further than to add two pithy sentences—one by the best authority of the olden time, the other by the first authority of modern days—"There is no way to stop this evil, it is so engrained in the people, but by the way of balloting," said Daniel Defoe. "There is no way of stopping intimidation, but by making intimidation mechanically impossible," exclaimed George Grote. His complaint was, that, though intimidation was raging through the land like an epidemic, and though they had as certain a remedy for it as vaccination was for the small-pox, they denied to the country the cure. One feature was remarkable in all the speeches of the present Ministry, from Lord Aberdeen downwards—the admission of the deplorable faults of our electoral system. This admission was made at the eleventh hour. Up to this time almost, those faults had been most audaciously denied. Lord Aberdeen said—

> "Some amendment of our representative system is necessary; and, unquestionably, the result

of the last election has not been calculated to render any man more enamoured of the present system."

His Lordship used that strong expression before the recent disclosures in the Committees. What would he say now? When the noble Lord (Lord J. Russell) appeared as a candidate for the suffrages of the electors of London, the people called on him to give them the ballot; and he (Mr. Berkeley) was perfectly charmed at the imbecility of the reason which so great a statesman was compelled to resort to. The gist of what he said was, that there must be perfect equality in our institutions; that we could not admit of secret voting in one, unless we admitted it in all; and he illustrated that position in a very extraordinary manner. He said that as the proceedings of courts of law were open, so should the proceedings of those who elected Members to serve in Parliament. Why, who intimidated a judge? Who corrupted a jury? Who could command, by dint of punishment or reward, the charge of a judge or the verdict of a jury? How could the publicity of judicial proceedings injure either judge or jury? On the other hand, they knew that Parliamentary electors were intimidated, that voters were corrupted, that the decision of the elector was governed by the fear of punishment and the hope of reward, and that the publicity of the proceedings led to the thraldom of the elector. What analogy could there be between those two cases? Who could forget the speeches made by the noble Lord at Perth and Leeds? At Perth the noble Lord had said that it was true Conservatism not to oppose the just demands of the people. Did he not talk of democracy having its rights as well as aristocracy; and how much safer it was to yield those rights rather than to wait until the people forced them? What did the noble Lord say at Leeds?—

> "I believe that the institutions of this country would be entirely impracticable—would entirely fail—would break to pieces in the working of the machinery, if it were not for the good sense, the moderation, and, I may say, the wisdom of the people; but I believe in that good sense, that moderation, that wisdom, we have a security for the future welfare and prosperity of those institutions."

But the language of the noble Lord was very different when in opposition and when a member of the Government, for what did he say when he stood for the City of London?—

LORD JOHN RUSSELL: All the addresses, that to the electors of the City of London included, were delivered in opposition.

MR. H. BERKELEY thought that the address to the electors of London was made when the noble Lord had joined the present Cabinet.

MR. BRIGHT: You are right.

MR. H. BERKELEY: I am satisfied I am; but it does not much matter whether that is so or not, because all I wish to show is, that there was a discrepancy and a change of tone in the language used by the noble Lord on these different occasions. After extolling the good sense, moderation, and wisdom of the people, the noble Lord said, in fact, to the electors of London, "Oh, but I shall stand by and see the vote torn from good sense, moderation, and wisdom, and usurped by tyranny, oppression, and bigotry." The noble Lord at one moment said, that democracy had its rights, and that they depended on the good sense of the people for the existence of their institutions; but the next moment he refused to give them the free and uncontrolled use of their voices. If the noble Lord would listen to and hear the language of the people, he would find them saying, that in the team of reform the noble Lord was the best collared horse, but the moment he took office, he became restive, he turned "jibber," held back from his collar, and sat down on his breeching. He would now come to the speech which the right hon. Gentleman the First Lord of the Admiralty, another great pillar of this Ministry of the composite order, delivered at Carlisle. The right hon. Baronet said—

> "No man can view with more disgust than I do the intimidation, bribery, and corrupt practices which have prevailed at elections, and even at the last general election in this country. It is cruel when men have a privilege which they ought to exercise freely and independently, for either landlords or employers to intimidate them by threats, or for customers to declare to tradesmen that if they do not vote in a particular way they shall be deprived of custom. It is unworthy of this free country that any man should be exposed to what I hold to be such tyranny and oppression."

The House could imagine the upturned faces of the people when they heard the benign voice of the right hon. Gentleman, and these parental accents. But though the right hon. Gentleman was ready to put a stop to intimidation, he did not believe the ballot would do it. Yet the right hon. Gentleman did not say that anything else would. He had recourse to arguments so weak and untenable, that the right hon.

Gentleman must be at his wit's end—and that was at a considerable distance—when he used them. The right hon. Baronet said they could not enact in this free country that every man should give his vote in secret, and that without this the ballot would be found flagrantly inefficient, for if the voter refused to give his vote openly when asked by his landlord to do so, the landlord would assume that his secret vote was given against him, and he would act accordingly. Now on what authority did the right hon. Gentleman assume that they could not pass an Act requiring that every vote should be taken secretly? What free principle of our free institutions did we violate, when we made a law to protect freedom of election? Those men who would be most ready to oppress the voter might indeed find their manliness and feelings dreadfully shocked, but the electors themselves would rejoice exceedingly if such an Act were passed. The second argument of the right hon. Gentleman was perfectly "stale, flat, and unprofitable." Nothing could be more pharisaical. "I believe," said the right hon. Gentleman, "that with the ballot you would have Flukers and Frails—men of quickness and judgment sent down from the Carlton Club to purchase voters by wholesale in the small constituencies on the principle of no return no pay." He (Mr. Berkeley) would admit that for the sake of argument. But, then, what would be done on the other side? Why, that the Coppocks and Edwards's would be sent down to oppose the Flukers and Frails. The Coppocks would no doubt be armed with a good heavy purse, and the electors, as they did now, would sell themselves to the highest bidder. But the ballot would render the market uncertain, and people would not like to risk their money in that way. Her Majesty's Government were pledged to bring in a large measure of reform. That measure of reform was "looming in the distance"—it was so far off that it could only be seen by Ministerial telescopes. Now they were told that a great extension of the franchise was intended, consequently those small constituencies—miserable pots of bribery those noblemen's pocket boroughs—were to be got rid of: why, if that were the case, it was disingenuous in the extreme on the part of the right hon. Gentleman to use their existence as an argument against the ballot. But if they were not to be got rid of, and the franchise was not to be extended, then the Ministry had deceived the country, and the right hon. Gentleman, as one of them, must be deemed "niddering and mansworn." He might take which horn of the dilemma he pleased. The right hon. Gentleman made a stock in trade of the Flukers and Frails, the Coppocks and Edwards's, *et id genus omne.* But he regarded these people in the light of a gas, which, by its escape, gave notice of the presence of a corrupting body. Let them get rid of the festering body, and they would then not suffer from the gas. But they kept a great weltering dunghill of corruption, and they found fault with the fungi that grew on its surface. He would now put in bright and pleasing contrast to these miserable shifts and arguments of Cabinet Ministers the straightforward declaration of the Solicitor General (Sir R. Bethell). That hon. and learned Gentleman told the electors of Aylesbury that "it was not within his power to describe the character or the details of the reform measure which the Ministry was about to introduce; but he must say that the first element of such a measure ought to be the extension of the franchise, and the next the possession of the ballot for the protection of the voter." Whereupon the electors and audience called out, "Three cheers for the ballot!" Such, then, was the opinion of the hon and learned Gentleman, the first counsel in the highest court of judicature in England. Such also was the opinion of Sir John Romilly, the present Master of the Rolls. And such the opinion of Mr. Page Wood, now Vice-Chancellor. It was pleasant to be able to turn to *Hansard* for their speeches, and to see the contrast between them and the miserable futile break-down arguments of Cabinet Ministers. But he felt bound to meet the latest objections on record to the principle of vote by ballot. The members of the present Cabinet seemed but too glad to creep under the gaberdine of the *Times* for shelter. The ballot, said the *Times*, was a question not of philosophy but of fact. It would not prove an efficient protection to the voter, because in these days every man's opinions were known. He (Mr. Berkeley) would admit that the question was one of fact and not of philosophy. But on whose side was the fact, and on whose side was the philosophy, or rather the sophistry? "Does the ballot (it is asked) prevent a man's opinions from being known?" The concealment of a man's opinions depended on himself; but the main and material fact was, that the ballot prevented the man's vote from being known. He was speaking in the presence of an assembly that protected themselves from the Sir Lucius O'Triggers of society by means of the ballot, and he put it to them to say, if the ballot did not enable them to conceal their votes, and, if they wished it, their opinions also? Well, but the Sir Lucius O'Triggers of politics were more dangerous than the Sir Lucius O'Triggers of society; and was it fair or just, he would ask, in them, with their broad acres and their broad cloth, to seek to conceal their votes and opinions by means of the ballot, and deny the same protection to men who wore fustian, and had no tan acre in the world? Would they answer that question? He had often put it before, but he never yet got an answer. But he denied as a mere matter of fact, that the electors could not conceal their opinions, and that they must necessarily be known. It was said that Englishmen were garrulous, and that their political opinions must leak out, under the influence of drink, or from misplaced confidence in women. Why, there were hundreds of thousands of persons in this country associated together who did keep their secrets inviolate. He was, himself, a member of the Foresters and Odd Fellows Societies; and he had no doubt many of the Members around him were in the same position. He knew there was a vast number of Odd Fellows in the House of Commons. Now he never knew that the secrets of these societies had been betrayed either from garrulity, or drink, or misplaced confidence in women. He had heard the wives of Freemasons declare that there could be no secret in freemasonry, because if there was they would be sure to get it out of them in their soft hours. So much for the general habits of the people. He had been challenged to deal with facts, and he would now produce evidence to show that the political opinions of the electors were not generally known. In these days and under the present electoral system, poor men no more dared to assert their political opinions than they dared to give their votes contrary to the wishes of their landlords. The tenants-at-will, it was said, had no political opinions of their own. They had political opinions of their own, but they dared not express them. The tradesmen of this country had likewise their opinions, but they were obliged to conceal them, or their bread would be endangered. He was sorry to detain the House so long, but on this point he begged their attention to the evidence of Mr. James Mather, given before a Committee in 1835:—

> "You have been a land surveyor?—I have. In what counties?—Brecknock, Shropshire, Yorkshire, Oxfordshire, Middlesex; but my business has called me to many other parts of England. You have had an opportunity of knowing the opinions of farmers on most subjects?—My business has led me very much among that class of men. I wish you to confine yourself entirely to their political relations with their landlords, and with a view to that part of the subject I ask, among what class of tenants do you believe most independence is to be found?—Among those who have a leasehold tenure; but their independence is very much governed by circumstances. What circumstances?—The length of the lease, for instance. I have always remarked that farmers are more inclined to assert their political opinions at the commencement of their tenure than at its conclusion. I presume you mean in cases where they disagree in politics with their landlords?—Yes; and especially if the landlord be a strong politician. There are some landlords who do not interfere. Is that, in your opinion, a large class?—No, on the contrary, for if the landlord have no strong political bias of his own, in nine cases out of ten he interferes with his tenantry from the instigation of some neighbour who has. Do you consider that politics are liable to breed ill-will between landlord and tenant?—I do, especially when the tenants have leases. How? Where they are tenants-at-will?—Much less so, because tenants-at-will have no will, as far as politics are concerned; they know they must vote as their landlords please, and make up their minds to do so. Are there not exceptions to the rule?—There may be, but you will find them very rare. Have you found, generally, that tenants-at-will are contented to be thus governed?—I have observed that the most intelligent among that class, consequently the best agriculturists, are by no means contented; but they cannot help themselves; while those men, whose families have held their farms without being disturbed from generation to generation, are just as well satisfied to pay their votes to their landlords as their rents, and consider it much the same thing. Do you consider this class of men less intelligent?—I do. These are the same sort of men who oppose all improvements, and tell you that their fathers did so before them, and that things went on as well then as they do now. Do you think the tenantry of the country generally would like to vote by ballot?—A vast majority would; but there are a class of them who, I have no doubt, would have as much horror of the ballot as I have known them profess for subsoil drainage, and the drill plough. You have said that you think the majority of farmers would prefer the ballot, how do you account for the fact that fewer petitions have been presented by that class of men to the House of Commons than any other in favour of it?—The reason appears to me plain. When you say farmers, I take it for granted you mean tenants-at-will. Well, then, a tenant-at-will no more dare sign a petition on a political subject, than he dare vote without the concurrence of his landlord; and the ballot is more dreaded by landlords than any other reform whatever. Then you think tenants-at-will dare

> not entertain any political opinions?—I do not say that; but I do say that they dare not express them. If a tenant-at-will were to express opinions hostile to those of a strong political landlord—for instance, if he were known to be favourable to the ballot, he would be treated as he treats a tainted sheep, and be drafted from the flock."

If they turned over the 900 pages of evidence contained in the book from which he quoted, they would find, by the testimony of Mr. Wilcox and Mr. Fitzgerald, both of them magistrates, and of the late Colonel Bruen, who had been a Member of that House, that the electors of Ireland dared no more to express their political opinions than the tenants-at-will in England. The only difference was, that the Irish landlords did not disguise or mince the matter, but openly proclaimed their right to command the votes of their tenants. And he would show that that feeling was as rampant now in Ireland as it was in 1835. He should show that coercion of the voter existed to an extent which was scarcely credible. Here was the case of Mr. Henry De Burgh, a landlord in the county of Monaghan. Mr. De Burgh writes to the editor of the *Daily Express* as follows:—

> Belcamp, St. Dunlough's, Raheny,
> Aug. 17, 1852.
>
> Sir—Perhaps you will make use of the inclosed correspondence to suit the purposes of the day. John Murphy is a tenant on the lands of Skeborn, in the county of Monaghan. I asked him for his vote. He voted against me. I directed the sub-agent, Mr. Johnson, to enforce all rent justly due and payable, without pressure or hardship. He wrote the letter No. 1; this morning I received from Murphy the letter No. 2; I wrote my reply No. 3. You may make what editorial use of the subject and letters you please. If the landlords of the country (that is, the Conservative) would all do likewise, the priests would soon be considered by their own flocks as the political vampires they unquestionably are. "Henry de Burgh."
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>
> "Snow Hill, Monaghan, Aug. 5, 1852.
>
> Sir—I have this day received instructions from Mr. De Burgh, to call on you for all rent and arrears of rent to be paid on your holdings up to May, 1852, otherwise to take the necessary proceedings for the recovery of it.—Your obedient,
> "John Johnson."
>
> "Mr. John Murphy.
>
> "P.S. This must be settled next week.—J. J."
>
> ---
>
> "Skeborn, Aug. 10, 1852.
>
> Mr. De Burgh—Sir, inclosed I send you a note I got from Mr. Johnson, which will, I hope, bear my excuse for troubling you. I hope, Sir, you will not persevere, at this unusual season, to press for rent. What I would be able to accomplish in two months, without doing me any injury, would be a heavy loss to press for now, as I have grass taken for two of my cows. I would consequently lose their benefit for the three best months, as butter is 3*d*. per pound better now than in summer. I will be able to pay you in October all demands. I fondly hope, respected Sir, you will be so kind and indulgent as to grant the time I have requested, and I will pray for your welfare. I have to remark I have all rent paid up to May, 1851.—I am, your respected servant,
> "John Murphy.
>
> "Sir—If you favour me with a reply, direct 'in care of Mr. John Leghorn, Clones.'"

This was the respected master's reply—

> "St. Dunlough's, Raheny, Aug. 16, 1852.
>
> Sir—Yours of the 10th was forwarded here. Mr. Johnson has acted strictly according to his instructions. You refused your landlord the compliment of your vote. Be it so. Let there be no compliment between us. Vote as you please; but pay up your rents to the day they are usually payable, or I shall make you. No doubt but your political supporters will grant you the favour that I refuse, and enable you to pay your year's rent due on the 1st day of May, 1852.—Your obedient servant, "Henry de Burgh."
>
> "Mr. John Murphy, Scarvy, Slones."

Then he thought Murphy would have been the better for the ballot. He thought after what he had quoted they might come to the conclusion that the serfdom of the tenant voter was as great in Ireland as it was in England. It was now twenty-one years since the noble Lord made a speech at Torquay on this subject, and he hoped some friend might persuade the noble Lord to abide by that speech. The noble Lord then said—

> "Great as I apprehend the inconvenience of the ballot would be, yet if it come to this, that I must either adopt such a measure, or see the tenantry of England ranged at elections contrary to the feelings of themselves, I should have no doubt; I should at once renounce my previous opinion, and at once adopt the vote by ballot."

The noble Lord, no doubt, passed much of his time in the princely mansion of his brother, the Duke of Bedford, of whom he never heard it insinuated that he ever punished a tenant for any vote he gave, or that he ever intimidated any voter from voting according to his conscience. Consequently, the noble Lord might have some excuse at that early period for thinking that the tenants would not be ranged at elections contrary to their feelings. But he must suppose that the noble Lord, like Rip Van Winkle, must have slept for twenty years, if he were not cognisant of the evidence that had been thundered into his ears ever since; and if he did not see and admit that the tenants-at-will were ranged under their separate leaders, and led to vote contrary to their own opinions, and what they believed to be the good of the community. Was it not notorious that the electors of the same estate voted for whig or tory as it changed into the hands of landlords of these respective opinions?

That was proved in evidence, and Mr. Ward in particular clearly showed that the fact was so. Who could be deaf to the evidence in the case of the South Nottinghamshire election, where the tenants were ferreted like rats out of hay ricks and corn stacks? Was the noble Lord deaf to all this? Was he deaf to the state of things now existing? He called upon the noble Lord, as an honest man, to deny, if he dared, his conviction of the truth of the representation which he gave of the existing state of things. If he could not, he called on the noble Lord to fulfil his pledge, and to vote for the ballot. It was said that the vote by ballot was a measure of democratic tendency. How could that be so, when the noble Lord told them that it was to the good sense, the moderation, and the wisdom of the people that they owed the continuance of their constitution? What preternatural power was there in the ballot of converting loyal, wise, and moderate men into democrats, socialists, and republicans? Was the privilege of giving an unfettered vote fraught with such consequences? The effect of the ballot would, in his opinion, be the restoration of an usurped right. Its effect would be to carry out the Christian doctrine, "Render unto Cæsar the things that are Cæsar's." As to the ballot converting the English people into socialists and democrats, such a notion appeared to him stark raving madness. He should glance at the proceedings of one election in England, and of another in Ireland, for the purpose of showing that the ballot was the surest, the most constitutional, protection against violence and corruption, and, as a remedy against intimidation, far better and more constitutional than surrounding the polling booth with armed soldiers. The English election which he selected as an illustration was that of Oldham. It appeared from the report that Mr. Fox and Mr. Heald were the candidates for that borough; that Mr. Fox had a majority of the electors in his favour, and that Mr. Heald had a majority of the ruffians. When a right good agent of the Derby or St. Albans breed undertook to return a candidate for a given borough, he first of all tried the efficacy of bribery and corruption, and, if those aids failed, he then in the last resort, hired a mob to thrash the unfriendly electors going to and returning from the poll, and to smash their windows. Now there were certain men who were so unmanly as to object to have their bones broken, so un-English as to object to the upsetting of carriages, so eccentric as to consider the intrusion of a brickbat on the tea table of a family party an unwelcome event. Well, by such aids as these the legitimate majority of Mr. Fox was very very nearly converted into a minority; and his hon. Friend, whom he was happy to see present, would no doubt be ready to confirm his statement, that had it not been for the marvellous firmness of his friends he would have been defeated by a minority. Nor was that case peculiar. They had in evidence that Clitheroe and Blackburn were in exactly the same position as Oldham; in short, this was the common rule of English elections. Now for this state of things the ballot was a certain remedy. Nobody would break a man's bones in order to persuade him to vote in a particular way; nobody would upset a carriage in order to prevent a man from voting; nobody would smash windows if it were impossible to tell how the vote was given; and he maintained that the ballot was the constitutional mode of election. Well, then in Ireland the ballot would have prevented the catastrophe at the Six-mile Bridge. In the first place, no landlords would pile up their tenantry on cars like living bales of goods, and consign them to the next polling booth with the aid of the military, if the ballot were established, because these men might accept their conveyance and then vote in their teeth. No mob would assemble either to rescue a voter from a tyrant landlord, or to ill use him if he were an opponent, seeing that it would be utterly impossible to know which way he was going to vote. It was contrary to common sense to say that under the ballot the peace of the country would be disturbed as it had been during general elections. He challenged any hon. Gentleman to match such places as Oldham and the Six-mile Bridge and Blackburn, or even Clitheroe, in any country where the ballot was established. If they questioned the Belgian, he would tell them that, though great interest was felt in his national elections, peace and order were the rule, and disturbance the exception. If they questioned the Frenchman, he would tell them that nothing could be more orderly than French elections—he would tell them that in the vicinity of the voting urns in France the tradesmen never closed their shops, that the doors were not closed, nor the windows barred, as in English elections, where boroughs appeared to be in a state of siege. Perhaps the Frenchman would tell them, too, that John Bull was so accustomed to his national luxuries of beer, boxing, and bribery, that he would never part with them. If, again, they questioned the American, he would tell them that at his national elections peace was the rule, disorder the exception. He was afraid—he (Mr. Berkeley) did not say it—he was afraid Jonathan would add that John Bull would never get rid of his corrupt electoral system until he had got rid of the corrupting influence of an hereditary Peerage. One word, before he concluded, with regard to the boroughs which contained dockyards. The atrocities perpetrated in these boroughs, in the shape of punishment and reward, were fully and fairly before the public; and Chatham had the unenviable notoriety up to that time of having never returned a Member contrary to the interests of the Government of the day. Now, the only way in which they could prevent the electors of such boroughs from being punished for political virtue, and rewarded for political vice, was by giving them security at the poll. Until that was done, never would merit meet with its desert, nor the stream of patronage flow in the right channel. He should not be doing justice however, if he admitted that the dockyard voters of Chatham were more under the influence of others than the tenant farmers; and he maintained that if they attempted to disfranchise the electors of Chatham, they ought, at the same time, as a matter of justice, to disfranchise the tenant farmers of the county of Kent. It was, then, because he objected to the exercise of this tyranny over electors, that he entreated the House to free the country from its pernicious influence; it was because he would practically carry out the sentiments of the noble Lord, and restore to good sense, wisdom, and moderation the privilege of recording an unfettered vote, that he sought to protect those great qualities of the people at the polling booth. When they heard of democracy, he entreated the House to remember the conduct of the people in 1848, that memorable era when they were found the prompt protectors of their country against Red Republicanism. He would call upon them to remember the conduct of the people at the Great Exhibition, marked as that conduct was by great intelligence and by the love of order—he would call upon them not to forget the conduct of the people at the interment of England's great Captain—marked as their conduct then was by deep reverence and respect for the mighty dead—the aristocrat who lay coffined before them; and then he told them to get rid of their paltry terrors and their aristocratic tremblings at democracy. He called upon that newly elected House of Commons to stand forward and prove themselves worthy of the electors who had sent them there; he call- upon them to restore to the people a great privilege, a chartered right, to which they were as much entitled as they were to enjoy the sun that shone in God's firmament, or the light breezes of spring; and that they might do this he entreated them most respectfully, but most earnestly, to legislate on the subject.

SIR JOHN SHELLEY, in seconding the Motion, said that if it were difficult to find any new argument in favour of the adoption of the ballot, it must be still more difficult to urge any new arguments against it. It was curious to see how exactly the language used by Mr. Grote, when he brought the question forward in 1838, applied to the present occasion. Mr. Grote then said—

> "No one can deny that bribery and intimidation are serious evils; as little can any one deny that bribery and intimidation infect at this moment almost every vein and artery of our elective system, and that the securities which we possess against them are impotent and contemptible. That a remedy against such mischiefs is urgently needed, stands confessed and obvious to every one; and what second remedy, what other measure of any promise or efficiency, has ever been proposed even by those whose aversion to the ballot is most unconquerable? Admitting, even, that my reasonings carry with them nothing stronger than a considerable probability—admitting that my proposition presents only a fair chance of success, yet what is the alternative? Why, the alternative is, that bribery and intimidation must remain as they are now, epidemic evils permanently entailed upon us beyond all reach of cure. And I submit that this is a conclusion far too discouraging to be admitted by any reasonable man, or by any sincere patriot, while the expedient of the ballot remains untried."—[3 *Hansard*, xl. 1132–33.]

When we looked at what had occurred at the last elections, we must feel convinced that nothing had been done to remedy the evil, and that the ballot ought to be tried. In the course of the same debate the noble Lord the Member for the City of London said, "I am sure it may be said, that if we acknowledge the evil, to a great extent we are bound to find a remedy." After these words, and after the practices which had been proved to have taken place at the last election, the noble Lord, in his own words, was "bound to find a remedy;" but he (Sir J. Shelley) feared he had such an inherent dislike to the very word "ballot," that he would not resort to it. He hoped, however, that the noble Lord would; for he should be deeply grieved and disappointed if he came to the conclusion that the only remedy yet suggested for the evils which had been proved, should not be tried. At all events, if the noble Lord would not support the present proposition, he trusted he might give his assistance to some other. Probably he might support that of his hon. Friend the Member for the Tower Hamlets (Sir W. Clay), who wished the votes for the election of Members of Parliament to be taken in the same manner as those for the election of poor-law guardians. But at any rate, let not the noble Lord again tell the House that the ballot was un-English; for that was an argument utterly untenable. He (Sir J. Shelley) had the honour to represent a constituency which was much too large to have the screw put upon it. Hitherto, the electors, from their numbers, had been enabled to resist the screw, and to elect the men of their choice; yet he was satisfied that even in their case it was necessary that they should have the protection of giving their votes by ballot. With regard to some fashionable parts of Westminster—such as Regent Street, Bond Street, and the like—it was well known that the people were influenced by fine ladies driving about in carriages, and in this way the screw was put on. It was impossible but that some impression was made; and he believed that those ladies themselves, after the experience they had at the last election, would be very glad to see the introduction of vote by ballot, for it would do away with the necessity of their going about looking after votes. Hon. Gentlemen opposite, who appeared at this moment to be represented only by the hon. Member for Cambridgeshire (Mr. E. Ball), need not be afraid of the ballot. He was himself a country gentleman, and a proof that it was possible to find a great constituency who would elect one of their own body. In the debate to which he had already alluded, the hon. Baronet the Member for Hertfordshire (Sir E. B. Lytton) advocated the ballot with great force and earnestness; and let hon. Gentlemen opposite listen to his observations:—

> "It is said that it will weaken the influence of property. Now, there are two kinds of influence—legitimate influence and unlawful and improper influence. The improper and unlawful influence the ballot will undoubtedly destroy; wherever one man trembles at the frown of another—wherever money is used to corrupt poverty—wherever property is intended to overrule the conscience—there, indeed, will the ballot step in, and there will the poor man and the rich man be on equal terms. But wherever a great proprietor is more beloved than feared—wherever his virtues are made more apparent by the pedestal on which they stand—there the ballot box will not steal from him a single vote, or take an atom from the legitimate influence of his station. On the contrary, it will always be found that the more the constituency forces the aristocracy to cultivate the favour of the people, the greater will be the moral influence of the aristocracy, and the more you will find them rising to the head of affairs."—[*Hansard*, xl. 1180.]

He hoped that this opinion, so well expressed by the hon. Baronet, would have its influence upon country Gentlemen opposite, and that they would not pay so bad a compliment to their order as to believe that if the electors had the power of voting according to their consciences, there would not be just as many hon. Gentlemen of that class returned to that House as there were at present. There was no subject in which he felt more deeply interested than this, nor any upon which he should give a more cordial vote. He was anxious, therefore, to ascertain the views of Her Majesty's Government upon it. Composed as that Government was, he wished to hear the opinions of the right hon. Baronet the Member for Southwark (Sir W. Molesworth), who hitherto had always advocated this cause. Certainly, looking at all that had occurred in the late elections, and it being admitted that some remedy was required, he expected, with some confidence, that those Members of the Government who had advocated the ballot would give their support to this Motion.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill to protect the Electors of Great Britain and Ireland, by causing the Votes at all Parliamentary Elections to be taken by way of Ballot."

MR. E. BALL said, he should not have risen to engage in this debate had it not been for the allusion made to him by the hon. Baronet the Member for Westminster. He congratulated Westminster on having found a new glory in the hon. Baronet; and hoped the constituency would forget the grace, the dignity, and the majesty of its old glory—Sir Francis Burdett—in its new pride. He had, indeed, forgotten that the question of the ballot was to be brought under the notice of the House to-night, otherwise he would have been prepared for the discussion. Much that he had heard from the preceding speakers was certainly unnecessary. Everybody, for instance, was convinced that corruption existed. If any doubt at all had existed on that subject, it must have been removed by the Reports of the Committees of that House. There was an immensity of corruption in the election of Members. But what did this fact prove? Why, it only proved in his (Mr. Ball's) mind the failure of the Reform Bill, urged on by the noble Lord (Lord J. Russell), as well as the futility of the statements of the hon. Member for the West Riding of Yorkshire (Mr. Cobden), in the course of his agitation against the corn laws. Each of these events was promised to restore the greatest purity of election in one way or in another; but, nevertheless, the corruption that existed was greater than ever. He should vote against the Motion, not because he did not desire a change—not because he was not disgusted with the bribery that prevailed—not because he was not shocked at the corruption which prevailed, but because he believed the ballot was not the remedy for these evils, and because he believed that it would not materially remove the corruption. It was very unfortunate for him that he had so entirely forgotten what was the subject of the debate, or he would have prepared himself with arguments against the introduction of the ballot. But still he was enabled to offer one or two suggestions to hon. Gentlemen as to the manner in which they should act under present circumstances. The ballot would not be a security against bribery. A few persons might be brought over, and the election turned by their means. Could not the candidate tell his agent to go with these few to the poll, and not to separate from them till he had seen them vote? If the agent did this, it would be impossible for the voters to deceive the candidate. There was, therefore, no security in the ballot. But he could suggest to the noble Lord (Lord J. Russell), if he wished to destroy corruption, and to remedy existing irregularities, a more simple and efficient mode than had yet been offered to the House. Let the noble Lord give to all county electors a vote in the election of all the boroughs within the county, in addition to their vote for county Members. Let him go into all the boroughs, and say to the electors, "You shall have a right to vote for all the county Members;" and let him also go into the counties and say to the electors, "You shall have a vote for all the borough Members." Would any Gentleman deny that by such means a constituency would be created so large that it would be impossible to corrupt it? He would illustrate his views by the case of the county of Norfolk. There were four boroughs in that county, Norwich, Yarmouth, Thetford, and Lynn, each of which returned two Members; the two divisions, East and West, returning two each. The whole county, therefore, returned twelve Members. The voters in Norwich and Yarmouth should have votes for Thetford and Lynn; and those in Thetford and Lynn for Norwich and Yarmouth; and they again for the two divisions of the county. Thus a very large constituency would be created; and he honestly believed that under such a system corruption and intimidation would be impossible. Who were to be the electors? He would not make the elective franchise consist in a 40*s.* freehold; but he would have officers appointed in every county, and register offices in every district. The officers should say to any man twenty-one years of age, "If you like to have a vote, you may register it in the office;" and upon the payment of a sum of money the man should possess the elective franchise. Under such a system none could complain of being deprived of the franchise. Then, what should be done with the money? Why, after the money had been so paid, and a receipt given for it, he would have it divided among the Members elected. The right hon. Gentleman in the Chair, was he not paid for his valuable services? Were not the Judges paid? Were not Her Majesty's Ministers paid? The officers of the House, were they not paid? Why should Members of Parliament, then, be the only persons who were not to be paid? Instead of its being a degradation, as some hon. Gentlemen appeared to think, he should feel it an extreme honour. He should feel it an extreme honour to have it said that, without seeking or wishing for it, the electors had, from motives of respect, and from the confidence they felt in him, sent him to represent them in the House of Commons; and he should feel it also a creditable thing for the people to say, "We will not have a man open to the corruption of a Minister of State, spending thousands to get into the House of Commons, and looking to the Ministry for some place that may return him his money." With respect to what had been said about tenant farmers, he wanted to know how it was—if the hon. Gentleman (Mr. H. Berkeley) had stated correctly that tenants had no opinions, or no power to exercise them, he wanted to know how it was that he (Mr. Ball) had the honour of addressing that House that night? How had he come there? Was he the nominee of any great man? Had he hereditary possessions or great wealth, that might command the votes of the constituency? He had never expected such an honour—he had no inherent claim to it; but it was because the tenantry had the power of choice; and because they chose to exercise it, that he was a Member of that House. He, therefore, thought that he was in his own person the best, the fullest refutation of the charges that had been brought against the tenantry of England. He felt persuaded in his own mind that if the view he had suggested was adopted by the noble Lord, with such improvements as his own experience might suggest, it would be the basis of a scheme which, while it delivered the constituency from corruption, and at the same time delivered the Members of that House from the fearful exposures that had lately been made, and the terrible ordeal they had had to pass through, would tell more in favour of purity of election than if they adopted the ballot, which, believing that it would not answer the purpose that was expected from it, he must oppose.

Mr. J. G. PHILLIMORE said, the hon. Gentleman who had just sat down had not addressed a single remark to that question which formed the prominent topic in the speech of the hon. Member for Bristol (Mr. H. Berkeley). For himself, he never supposed that the ballot would prevent that species of corruption which was known as bribery. But he also looked upon intimidation as corruption, and corruption in its foulest and most loathsome shape, and he could not but see in the ballot a remedy against the specific evil of intimidation. He was at a loss to know whether the antagonists of the ballot would take the ground of saying that intimidation was no evil, or that the ballot was not a remedy for it. That intimidation was an evil, no one, he thought, would be bold enough to deny. That there was a legitimate influence attached to property, he would be the last person to deny; but intimidation, he contended, was calculated to shake the influence of all property, because it brought the feeling of respect for property into collision with other and more powerful antagonistic feelings; and, therefore, he thought that the man who wished well to the proper influence of property would take care to dissociate it from that which must be viewed by every one as an improper use of that influence. With regard to another question—whether intimidation existed—he believed it would be admitted by every one who had attended to the late disclosures that intimidation prevailed, in a greater or less degree, in all the different districts of the country, and particularly in the small towns, rendering the honest exercise of the franchise by a voter extremely perilous, and in some cases almost impossible. He asked whether they, as legislators, had a right to place any man in a situation where the discharge of his duty in voting according to his conscience was sure to bring with it his ruin? It was vain to deny that such cases were constantly occurring. He did not mean to say that this question—unlike all other questions that occupied the attention of reflecting men—was one where all the evil was on the one side, and all the good on the other. He admitted that the system of publicity in voting had its advantages, and the only question was whether those advantages were not counterbalanced by greater evils existing on the other side. His opinion was that the balance of the evil, which caused the voter to shrink from the discharge of his duty, far outweighed the evils that were likely to arise from the system of secret voting. He admitted that the constituency undoubtedly had a right to know how their representatives voted; but it was quite a different question when an elector came to vote for a candidate. In such a case he held that no earthly power had a right to come and ask the voter why he voted for one candidate rather than the other. The question of how a man was to give his vote was one between his conscience and himself, and he would discharge it the better the more perfectly he fulfilled his own conscientious convictions. He did not say that the ballot would make a dishonest voter honest, but it would take away much of the temptation to dishonesty, so that he would be left as he was before, with the difference, that, as no confidence could be placed in him, his dishonesty would be less likely to be called into action, because under the ballot it would be impossible for any one to know whether or not a corrupt bargain had been fulfilled. But take the case of the honest voter—of the man who was pressed between ruin on the one side, and the discharge of a sacred duty on the other—and see if, in his case, the advantages of the ballot would not weigh strongly. In the case of the dishonest voter, the probability would always be that he would betray his employer, and, therefore, no confidence could be reposed in him. Would any man say that it was not desirable to take away that confidence? The dishonest voter could not be trusted to fulfil his promise; he was not bound to fulfil his promise; it might as well be argued that a man was bound to fulfil a promise to assassinate, or to bear false witness. The crime lay in making the promise. It was contrary to every principle of morality, it was contrary to the opinion of every writer on ethics, it was contrary to all right feeling, to say that a man who had made an immoral promise was bound to carry it into effect. In the case of the dishonest voter, therefore, the argument in favour of the ballot was strong; in the case of the honest voter it was perfectly unanswerable. It was so in this country, but in Ireland it came with a tenfold stronger effect. In one of the counties in Ireland, where he had sat on an election petition, the most disgusting scenes had taken place. One of the landlords openly avowed that he considered he had a right to the votes of his tenants; and when one tenant, who was ejected for voting contrary to the landlord's wishes, appealed to his benevolence, the answer was—that the tenant must take the consequences, that the contumacious way in which he had acted richly deserved punishment, and that the agent had done no more than his duty. It ought not to be omitted from consideration that the ballot originally formed a part of the Reform Bill, and that it was afterwards abandoned only because it was thought that the change brought about by the Reform Bill would render it unnecessary. But he appealed to all the evidence they now had before them, whether that was not a great mistake. It was clear, that, far from checking corruption, one effect of the Reform Bill had been to make the channel fouler and deeper than it was before—

"Cum flueret lutulentus erat quod tollere velles."

With regard to intimidation, he challenged any one to say that they did not think the ballot would put a stop to it; and if they did not say that, then he thought the antagonists of the ballot would be driven to the alternative, that they would not take that step which they admitted would stop intimidation. The only other answer they could make must be, that in stopping intimidation they feared they might be developing some greater evil. Now, he wanted to know what greater evil they could imagine than to be placed in a situation where even men of strong understanding, of great education, and of exalted moral feeling, were hardly able to resist the prospect of ruin which was before them if they did their duty? But this was exercised at every election, not upon the class he had mentioned, but upon the tradesmen in small towns; and exercised, too, in such a way as to make legislation impossible. They could not go to a gentleman and say, "You employed a certain tailor last year to make liveries for your servants—why have you employed another man this year?" It had been suggested that a man might bribe a whole district; but then it was forgotten how impossible it was for such wholesale bribery to escape detection. If any other plan were proposed to meet this evil, he was ready to listen to it; but in the total absence of any other scheme, it was hard to reject the only one which tended to check that which no one denied was every year increasing in the extent of its immorality. It was impossible to deny that this was a growing evil—that it was a gangrene, which ate into the vitals of the State. Year by year it was extending its pernicious influence, and no other scheme had been proposed to check it than that which they now had before them. He need not remind them that the ballot had antiquity to recommend it. Cicero calls it, *Vindicem tacitæ libertatis;* and the greatest orator that ever lived eulogised the man who gave the ballot as a wise lawgiver, and said that the man who did wrong would certainly offend God, and could not be sure that he would oblige his neighbour. Let them, then, give to the poor trader that protection which he desired against the fearful conflict between conscience and ruin. On all these considerations, therefore, he would give his warm support to the Motion of the hon. Member for Bristol.

MR. BRADY said, he did not think that human legislation could apply a remedy to all the existing evils of the electoral system; but he advocated the ballot because he knew that the present system was a bad one, and could not be maintained, as it tended to demoralise society and destroy the independence of the electors. It tended to promote perjury in this country; and if any one doubted the fact of wide-spread immorality being the result of the system, he would refer them to the Reports of the Select Committees of that House. He considered the question was not whether the ballot was a good, wise, and politic measure, but whether the electoral body of this kingdom was in such a position as to exercise the franchise freely and independently, and so as to make that House what it ought to be—the true reflex of public opinion. He held that the House of Commons did not reflect public opinion truly, and, therefore, he held that it was the duty of the House to make a change immediately. The present system was a curse to the country—he would also say, a curse to his own constituency. It had been said that voters, country or town, were persecuted, the one by their customers, the other by their landlord; but he considered that the landlord persecution was by far the worst of the two. There ought to be some alteration in the relation between landlord and tenant. He would, with the permission of the House, read an extract of a letter from a clergyman in the north of Ireland which would exhibit the miserable manner the poor voters were oppressed by agents in Ireland. It was not from a Catholic priest, but from a Protestant clergyman, and, therefore, he hoped it would have due weight in that House. The writer stated that there was a tenant who rented a small portion of land at the exorbitant rent of 36*s.* per acre. The tenant fell into arrear—the agent refused to take less than the whole rent, and the entire family were evicted, and thrust houseless and shelterless on the world. The aged mother of the man—a model of Christian piety—was carried out by bailiffs, and driven in a cart during inclement weather to another county. After having got rid of the old woman in the best way he could, the agent was written to by the clergyman, asking him to allow the family to retain the shelter they had secured in a roofless house for a time, and not to turn them out without warning, pledging his word as a Christian minister that possession would be given at a week's notice; but his intercession had no avail. This tenant was charged 36*s.* an acre, while the next tenant was only called on to pay 25*s.* an acre, though the poor evicted tenant had built the house from whence he was so ruthlessly driven, and it cost him three times as much as the rent due by him at the time of his eviction. If, for political reasons, tenants could be driven from their homes and left to perish, was it not time to apply a remedy? He knew the generosity of Englishmen too well to believe they would allow people to be driven from their homes for political reasons, and, though it was the pitiful practice of the English press to pooh, pooh the Irish people, on the ground that at one time they were rebels, at another because they were brawlers in that House, he might remind the House that there was not a single measure of importance to the welfare of this country which had not been carried by the Irish Liberal Members, even at the sacrifice of their own interests. To all measures for the reform of the commercial code, the Irish Liberal Members had given their support. It was through the support of the Irish Liberal Members that nearly all the recent liberal measures had been carried. It was mainly through the instrumentality of the Irish Members that the corn laws were carried, though by so doing Ireland was made to suffer greatly, a circumstance admitted even by Sir Robert Peel himself. It was the Irish people who, through their Members, had been the means of giving the English people the comfort and happiness they now enjoyed, by assisting them to remove the restrictive laws on commerce. Indeed, the people of England owed the people of Ireland a great debt of gratitude, which, he hoped, they would bear in mind. He would point out some of the evils of the present system. He was satisfied that persecution was carried on to a great extent in Ireland, and that the Irish people had not the opportunity of saying independently who should represent them, and who should not. He would speak of things which he was sure the people of England would not sanction. At the late general election last year, a notice was served on an Irish tenant who voted for a Member of that House. The man did not owe a penny of rent, but he was nevertheless displaced from his holding, because he dared to think for himself, and to vote according to his conscience. He held in his hand the notice for 1*l.* 18*s.* 10*d.*, that was all the sum demanded, and that was the sum for which the notice was served upon him. Was not that persecution? Another notice on another man was for 9*l.* 15*s.*, and it was for rent only four months due. This was done immediately after the election was over, because the man chose to exercise a constitutional right, and to vote in the way his conscience dictated. He could cite hundreds of such cases to prove that the people of Ireland were now in the position in which the constitution intended they should be. The necessity of the measure had been admitted by the most distinguished Members of that House for many years past, and it had been hoped that a remedy would be found in the progress of public opinion. Recent events had shown how little public opinion had operated to prevent bribery, and he thought that they were, therefore, bound to come to the conclusion that the ballot alone would remedy the evil. The ballot had been called un-English; but would to God that bribery and corruption were un-English, and that intimidation and persecution were un-Irish!—then we might hope to see the House of Commons, what it ought to be, the true reflex of public opinion.

Mr. SIDNEY HERBERT: Sir, in listening to the speech which the hon. Member for Bristol (Mr. H. Berkeley) addressed to the House to-night, I was struck by one peculiarity, differing, I think, from his previous speeches on this subject, which appeared to me to imply a consciousness on his part that, however plausible the theory of the ballot may be for the purpose of suppressing intimidation, with regard to bribery it must prove totally inoperative. The hon. Gentleman based his case on intimidation, and for that purpose he went back a very considerable period. I think the principal evidence which he produced of the evils of intimidation—which no man can deny, and to the exercise of which no man is more opposed than I am—was derived from evidence given before a Committee of this House which sat not in 1853, but in 1835; and he accuses the noble Lord the Member for the City of London with having slept the sleep of *Rip Van Winkle*, because somewhere about the same time my noble Friend stated that if the evils of intimidation were not diminished, it might call for the introduction of the ballot. I say it is the hon. Member himself who has slept the sleep of *Rip Van Winkle*, if he has not succeeded in appreciating the effect of public opinion in repressing the evils of intimidation on the part of the landlords over their tenants, and of customers against their tradesmen. I recollect the time—though I do not mean to say I was then in this House—when the late Duke of Newcastle undoubtedly put forward the theory, that every one has a right to do what he likes with his own, and he applied it so far as to claim the right to deal as he liked with the consciences of other people. ["No, no!"] Hon. Gentlemen say "No;" but I think the course then pursued by that noble Duke led to the inference that he conceived the rights of property extended, not only over goods and chattels, but over those who, by his permission, made use of them. The noble Duke, no doubt, acted up to what he conceived to be his duty; but what I say is this, that depend upon it there is now no man living who will come forward with such a statement in order to justify such proceedings. And what is the inference I draw from that? Why, that the state of public feeling is very much altered. A man feels now that he would shock public opinion and damage his own character if he attempted to put forward such a doctrine, or practically enforce it, by interfering with the exercise of the elective franchise on the part even of his servants. I need not give an instance on this subject, because every Gentleman present must be aware of the alteration effected by the pressure of public opinion. The hon. Member for Cambridgeshire (Mr. E. Ball) quoted himself as an instance of the tenants having exercised pretty well their own choice, and asked, if they had not their choice, if they could not exercise their will in opposition to their landlords, how came he in this House? There is another instance in the hon. Gentleman opposite, the hon. Member for South Nottinghamshire (Mr. Barrow). He contested that division of the county with the noble Viscount (Viscount Newark) now his Colleague, solely on the question of which should obtain the mastery, the landlords or the tenants, for both candidates professed the same principles, and the tenants returned the hon. Member in the teeth of all opposition. [An Hon. Member: Those are exceptions.] An hon. Member says these are exceptions, but of course many exceptions tend to invalidate a rule. However, I will quote another exception. I quote myself. I can assure my hon. Friend the Member for Westminster, that at the elections last summer in the county I have the honour to represent, the great mass of the tenants voted against me, and amongst them those connected with the property with which, by near relationship, I am connected. They are tenants-at-will—some of them men of no very large substance, but independent men—and it would be thought a degree of impertinence if a landlord told his tenant he must quit because he voted in a particular manner. Public opinion restrains a man even if he is inclined to turn out his tenant for such a cause. It is thought good fortune, rather, if the tenants do not turn him out. The hon. Gentleman, feeling that intimidation was his chief ground, thought that bribery was rather an awkward subject, as I shall be able to show to the House, and he actually began to apologise for bribery. He said, what is very true, that it is a very seductive thing, and it had some redeeming qualities, and the redeeming qualities were these—he could give many touching instances of men having received bribes, redeeming a box of tools, or relieving the necessities of a fellow-workman—

Mr. HENRY BERKELEY: I said it was indefensible, but it had redeeming qualities, while intimidation has not.

Mr. SIDNEY HERBERT: The hon. Member says bribery has redeeming qualities, while intimidation has not. The redeeming quality appears to be this, that if you get money dishonestly, but spend it for a good purpose, it throws a sort of halo round the transaction, and bribery under such circumstances is no longer a bad thing. Is it true that intimidation is the gigantic evil of our elective system? I appeal to the experience of every Gentleman who hears me, whether within the last twenty years intimidation has not been diminishing, and bribery has not been increasing? Since the Reform Bill the practice of intimidation has notoriously decreased. The expression of public opinion is stronger than Acts of Parliament, stronger than the denunciations of the hon. Gentleman, and has had its effects on intimidation; but on bribery it has has none. Need I ask the House to recollect the disgraceful cases we have had this Session, and which prove to us that as we have advanced in the last twenty years, this plague spot has spread in our elective system—bribery has become organised, more general, and apparently, not only the candidates, but the electors, consider it a very venial offence, which is not to be deprecated, provided it is not found out. The hon. Gentleman says we want the ballot, in consequence of the effect it would have in Ireland. Ireland suffers from a great degree of intimidation. Will the ballot in Ireland have the effect of preventing intimidation? I think not. The hon. and learned Member for Leominster (Mr. J. Phillimore) seys, "You object to bribery, you object to intimidation, and you object to the remedy." Now I do object to all three. I object to bribery, I object to intimidation, and I utterly deny that the ballot is the proper remedy, especially in Ireland. In that country there are two great political parties who are divided by a test different from that which exists in this country. In Ireland the test of political party is a religious one. Would the ballot prevent intimidation if one party is known to be Orange and the other Roman Catholic? It is impossible to suppose that a man giving his vote in secret could conceal how he votes, for it would be ascertained what was his religion, and, therefore, what were his politics. The struggle in Ireland is between priest and landlord. The relations between priest and people are very peculiar. The relations between landlord and tenant are very ordinary. I do not care which it favours, but unless it prevents the improper influence of both, the remedy must entirely fail. The hon. Member for Bristol asks us to put an end to a system worthy only of Fouché and Vidocq; but he has little thought of what will be the effects of the remedy he proposes. When in times of party strife tyrannical landlords and customers are determined to find out how men vote, and the ballot is established, there will, indeed, be established with it a system of espionage of the worst kind. Supposing the ballot to be perfectly secret, the possibility of which I utterly deny, there will be minute inquiries as to political associations and political opinions, and according to those associations and those opinions judgment will be formed of the way in which men vote. I am not afraid of intimidation, because I think public opinion will ultimately be too strong for it. But, I ask, will this system of ballot be effective for the prevention of bribery? The hon. Gentleman made merry at the expense of my right hon. Friend the Member for Carlisle (Sir J. Graham), and quoted a portion of his speech for the purpose. In spite of the ridicule, I am going to adopt the whole of that argument—if you want to aggravate bribery, use the ballot. What prevents bribery? Perjury, fear of detection, and the uncertainty of success. When a man is calculating upon obtaining a seat by bribery, he thinks, "I may spend my money, and get nothing for it; I may bribe a great many, and yet be second on the poll." By the introduction of the ballot, the whole danger would be removed, for, of course, the candidate goes on the principle of "play or pay," "if I win, so much a head;" if I am beaten, nothing." The ballot has other advantages, if a man wants to buy a constituency. At present, with a *5l.* note, the candidate only buys an unwilling voter; but with the *5l.* depending on the result of the election, the voter would canvass his friends, and become an agent and partisan. How will it operate on the voter? Why, the voter is now sometimes deterred by the fear of detection; but with this additional mantle of darkness thrown over his proceedings, he will have a security which is at present denied to him. What is the mode in which bribery is found out in a borough? The first thing which attracts attention is, that a certain number of men, anxious to judge fully of the merits of the candidates, waited to the last, and voted in a body just ten minutes before the close of the poll. The next observation is, that Brown or Smith, who had all his life been yellow or blue, had voted the other way. Curiosity is awakened, investigation ensues: persons are put upon the clue of his proceedings, until bribery is brought home to him. Under a system of secrecy nothing would be known of these things. There would be no indications of corrupt motives. No one would know how anybody voted. No one's suspicions would be awakened, and there would be none of those investigations which take place upstairs, to the great satisfaction of the public virtue, and the serious inconvenience, sometimes, of hon. Members. I say, if that be so, if the ballot gives the candidate the chance of buying a seat without the risk of losing his money, and gives the voter power to sell his vote without detection—instead of tending to diminish bribery, its introduction would, on the contrary, give every inducement to the candidate to bribe, and to the voter every security to be bribed. The hon. Gentleman says, "at your clubs you blackball your dearest friends just as you choose; you are perfectly irresponsible under the system of ballot, and you have no right to refuse to a poor man the same privilege you enjoy yourselves." In the first place, I hold there is no analogy between the two. One is political, the other social. The object of the ballot in clubs is to enable you to act upon predilections and aversions which you cannot perhaps justify, and dare not care to avow, and it rests upon the ground that everybody has a right to choose with whom he will associate. Beyond that there is no principle involved. It is the right you claim of selecting your associates and friends without giving any public reason, or without being able to give any reason or justification of the aversions and prejudices which you may entertain. That is exactly why the ballot is useful in clubs, and why you should prevent its use in the exercise of public functions. You want every man to feel the weight of responsibility which falls upon the exercise of public functions. It is absurd to imagine that there is no responsibility in giving a vote for a Member of Parliament. It is the fountain head of all political power. Talk of the rights of democracy!—there are also the duties of democracy; and if the democracy, as the hon. Gentleman calls them—if voters are to exercise their franchise, they must exercise it as a trust for the benefit of the public, and under the responsibility of public opinion. If it be not a trust—if it be not exercised for the benefit of the public—why prevent the voter from selling his vote—why not let him take it and dispose of it in the dearest market? There is no reason in the theory of the hon. Gentleman; and I submit that a vote for Members of the Legislature is a public trust, that it is the fountain head of all political power, and that it is specially important to preserve it untainted, in order to maintain the purity of the whole system. The hon. Gentleman says that the people confound democracy and the ballot, and he explained it by saying that the ballot and universal suffrage were so united together that they were generally spoken of in the same sentence—

Mr. HENRY BERKELEY: I never said so.

Mr. SIDNEY HERBERT: Then I have been so unfortunate as to draw an inference from the premises of the hon. Gentleman. The moment you have secret voting, those who have no votes lose the opportunity of exercising influence on those who have, and there would naturally arise a clamour for extended suffrage. So I think there is much more truth than appears to the hon. Gentleman in the close alliance between universal suffrage and the ballot. But the hon. Gentleman quoted cases in foreign countries, which he says are arguments and proofs of how the ballot will work in this country. The hon. Gentleman need not have gone so far even as France to see how it works. The ballot is not confined to clubs in this country. It is used in an important parish in this metropolis for the selection of vestrymen under Sir John Hobhouse's Act—the parish of Marylebone. The constituency electing Members of Parliament for Marylebone is 20,000; and as that is confined to 10*l.* houses, I shall not be far from the mark if I take the constituency which elects the vestry at something about 25,000. These 25,000 persons vote in select vestry by ballot. As I understand, the elections for vestrymen differ in Marylebone in no respect from ordinary political elections. There is as much vehemence on both sides in favour of the respective candidates; there is great acrimony, very hot party spirit, and the most entire openness of proceedings. I believe that there is no secrecy whatever. Everybody's vote is accurately known. If anybody is to be persecuted, deprived of custom, or threatened, that happens in Marylebone under a system of secret voting, exactly as it happens —and it is to be lamented that it should happen—under the system of open voting in other places. Does secret voting insure secrecy in any other country? America has been quoted; but I never knew a person who had been in America who bore out that theory. All writers on the subject speak of the vote by ballot in America as open and most ostentatious, and used more as an expeditious method of taking the votes of vast numbers of population. No attempt is made at concealing political feelings and predilections on the part of the voters; but it is said that false votes are smuggled in; and I have read of a case in America of a candidate, whose known and stanch supporters numbered half the constituency, being beaten by a majority greater than the whole constituency taken together.

> "Instead of buying hundreds of votes," said the same writer, "the candidate has only to buy one or two judges with whom the election ultimately rests. How are the judges making false returns to be detected? A scrutiny of the box will afford no evidence."

The writer then suggests a number of precautions to prevent the abstracting of tickets and the replacing them by an equal number of a different colour; and the Governor of the State of New York, in a recent message, said—

> "The alarming increase of bribery in popular elections demands attention. The preservation of our liberties depends on the purity of the elective franchise, and its independent exercise by the citizens, and I trust such measures will be adopted as shall effectually protect the ballot box from all corrupting influences."

We are asked to adopt this change—a change which, in my belief, will tend to demoralise the constituencies; but, having gained his present object, at some subsequent period we shall be having the hon. Member for Bristol bringing forward Motions, not to protect the voter, but to protect the ballot box, which he has induced us to take. With respect to the ballot in America—but of course I am subject to correction about this— [Mr. Bright: Hear, hear!]—the hon. Member had better wait to hear how I qualify it.

Mr. BRIGHT: I differ on what you have already said.

Mr. SIDNEY HERBERT: If the hon. Gentleman differs on what I have said, he will have the opportunity of setting me right. I am not certain, but my impression is, that there is but one State in the Union where there is compulsory secret voting. If there be not compulsory secret voting, the whole system of the ballot of course is a sham. In a country like the United States, it affords an easy and rapid means of taking a vast number of votes without reference to secrecy; but so distasteful is compulsory secret voting to the great majority of the people there, that it exists only in one State, and when it was was attempted to be introduced into other places, it was strongly and successfully opposed. The hon. Gentleman says, of course we shall have it compulsory. I should like to know how you are to prevent a man who acts in the face of day, proud of his undeviating consistency, braving the frowns of wealth, and resisting the blandishments of power, going up to the lot box and declaring how he votes. It is not in the nature of the English character to skulk behind a mask, in doing that of which, far from being ashamed, he is justly proud, because it is his duty. You must all remember the inimitable description of Sidney Smith. If the forms of the House permitted, I should be inclined to propose that it be read by the clerk at the table. It is infinitely better than anything anybody else ever said upon the subject. He very justly asks how in practice can you secure any secrecy whatever? A man must do more than conceal his vote. He must conceal his opinion. He must hurrah at the wrong speech, eat the wrong dinner, break the wrong heads; do everything to convince the public that he is acting in the interests of the opposite candidate. The hon. Gentleman says the English are not a garrulous people, and, therefore, he thinks they will be apt to conceal the acts they perform in the execution of a public duty. I, who am half an Irishman, would remind him that taciturnity is not the forte of the Irish. They generally divulge what are the secret longings of their souls towards particular candidates. But even if in England a man were to obtain that degree of perfection in the concealment of his opinions to enable him to become a model voter, I think he would become so confirmed a hypocrite, that it is very doubtful if a man so trained, and successfully trained, would be fit to exercise the franchise at all. In viewing this question we cannot keep out of sight the consideration—supposing it possible to gain in this way the perfect secrecy which you anticipate—what effect will that perfect secrecy have on our national character and our national institutions. And we must remember that what happens among us in this House happens similarly, though on a smaller scale, in the circles below. Men, diffident of their own judgment, and mistrusting their own powers, frequently form their opinions upon the opinions of those in whose character and ability they place confidence; but how, if everything is to be secret and concealed, can a man have this advantage? How is the man who had not a great confidence in his own opinion to be guided? And how is a public opinion to be formed among a constituency if every man's private opinion is to be concealed? Why, it goes to the very root of our whole system, the tendency and the intention of which are to develop individual opinion, to give free action to every mind, to give free expression to every thought? It was quite different from that which we saw existing in France, where the common phrase as to the duty of the people was, *Il faut écraser l'individu.* But that is not the English rule; and I say that if you introduce this system, you introduce a retrograde system—you are introducing a system contrary to the real spirit of free institutions, to that spirit which we have inherited from those Saxon times which seem to have had a greater development of liberty than even our own. I say, too, that if ever you succeed in adapting the English character to this measure, so that the English people really avail themselves of it, and consent to exercise their rights or their duties under the veil of secrecy, you will have demoralised the English character, and done a great deal to sap the foundations on which our liberty stands. I do not speak thus from any immediate fear of consequences—from any belief that wealth will lose its influence, that station will lose its influence, that public virtue will lose its influence, as the result of the institution of the ballot. I mean none of these things. I doubt very much whether, in the aggregate, the ballot would produce any sensible difference in the returns. Intimidation, for instance, is of two kinds—by the mob from below—by the landlords from above. I do not know which is likely to be ultimately predominant; but probably the influence of intimidation by large masses would in the end be stronger than would that of one man acting individually, and acting on a system which had less and less force every day, as society advanced and condemned it. It is not, then, on any result which the adoption of the ballot might gain to one party or another that I object to this measure, but because I think that by it, instead of educating the lower class for political duties, you will be destroying their self-respect, their manliness, and even their willingness, if need be, to suffer for conscience' sake; you will be striking a blow at one of the best qualities in the national character, which has been created by a long course of habit and opinion—by the exercise of public functions, whether in humble or lofty station, in a manner requiring honesty and independence. You will be striking at a quality which has given to the national character a stability that could not have been created by any system such as that now proposed—which gives to every person acting in a public capacity the means of concealing not only his vote, but his opinions. For these reasons I shall give my decided opposition to the Motion of the hon. Member.

LORD ALEXANDER LENNOX said, there was no Member of that House who gave the hon. Gentleman the Member for Bristol credit for more singleness of purpose or more honesty of conviction in bringing forward this Motion than he did, and if he could bring himself to believe that its being carried would produce the effect which the hon. Gentleman thought, he, for one, would most willingly support him; but, taking a considerable interest in the question, he had consulted the opinions of some of the most eminent men who had written and spoken upon the subject, both for and against, and he must say that the result of that investigation had confirmed the opinion he had originally formed, that the ballot would be most injurious in almost every phase of its operation: that, instead of being what its supporters argued—a public benefit—it would unquestionably be a serious detriment. One of the principal arguments which had been urged in support of the ballot was, that it would do away with intimidation. He had no doubt as to the possibility of devising some means by which the votes of the electors might be taken with the most perfect secrecy by means of the ballot, but it was then that he thought the difficulties would commence. He could conceive no reason why the secret should not ooze out, and every reason why it should. To begin with—he did not think it very likely that a man who had such a proper sense of his duty towards his country, whose political convictions were so honest and so paramount that they would induce him to vote against his landlord or his benefactor, or whoever the person might be to whom he was under obligation, would be so accomplished an actor, and so consummate a hypocrite, that he would be able to keep the secret to himself; nor did he think it likely that a man, capable of such singular self-denial, would condescend to take shelter under the wing of the ballot, and continue to receive favours at the hands of the man by whom he might think he had reason to be influenced, knowing the whole time that he had deceived him —that he had broken every implied promise, and violated every moral pledge he had ever made him. He thought it infinitely more probable that a man whose vote would be swayed by feelings of pique or spite, or some other motive equally paltry and unworthy, would avail himself of the concealment of the ballot. To such persons he had no wish to afford any protection. He would expose them to public shame rather than screen them by private ballot. But what said a great authority as to the probability of the ballot securing secrecy? Lord Brougham, when a Member of that House, in speaking of the ballot, thus observed:—

> "In all cases where there had been a contest, there would, of course, be conversation respecting it. The persons who had voted would talk upon the subject in their private walks, going to church, after church, and, above all, in the alehouse. Who then could tell him that such a person would be so much upon his guard as not to excite the slightest suspicion as to the manner in which he had voted? To observe such profound secrecy he must say nothing whatever to his wife—nothing whatever to his children—nothing to his dearest friend—nothing to his pot-companion. No, he must be dumb as the tankard they had just emptied between them."

Another great objection to the ballot, in his mind, was, that if it was to be secret, it would have the effect of very greatly diminishing, if not entirely doing away with, what he considered one of the greatest blessings and privileges the people of England could enjoy—he meant the free canvass of public men, and free discussion of public measures; for it appeared to him that, if we were to continue publicly to canvass men and discuss their deeds, as he hoped we long might, a man's vote would be equally well known whether it were given by means of ballot, or whether it were taken *vivâ voce*, or, if not as well known, what was probably worse, strongly suspected. He did not apprehend there could be two opinions that the ballot, without the most profound secrecy, would be a complete farce; and if it was to be admitted, on the one hand, that it would prove a cloak for independence, which, however, was no independence that did not scorn disguise, it could not be denied, on the other, that it would be a hotbed for suspicion, and a school for deceit. Another and a very popular argument which had been brought forward, and more particularly that evening, was, that it would put a stop to bribery. He thought that the bribery which had existed at the last general election, was nothing more or less than a scandal upon any civilised community, and he thought it impossible to exaggerate or overestimate the advantage which any measure calculated in any way to put a stop to it would confer upon the country at large; but he anticipated no such result from the ballot. He did not think it would do away with the desire or the ambition of a candidate to obtain a seat in that House; nor did he think that it would cure or eradicate that venality which had been proved to exist in the boroughs of Cambridge, Hull, and, he regretted to say, many others. Then, if it would not prevent venality from accepting the boon which moneyed ambition would offer, he did not think it would prove a cure for bribery; and, without wishing to say one word which was disrespectful towards electioneering agents as a body, he thought that, as the case now stood, they had quite voice enough in the return of Members for boroughs, but that if the ballot were once the law of the land it would place far greater power in their hands. It was far from him to say that they would abuse that power; but what he did say was this, that if they were so disposed he could see no reason to prevent them from making an arrangement with a candidate that he should pay so much if he were returned, and nothing if he were not, and from entering into a similar agreement with a certain number of the electors—men who it was known were open to corrupt influence. He did not think, therefore, it would necessarily put a stop to bribery, but that we should be so much worse off then than we were now—that we should know that corruption existed in a constituency without the possibility of detecting the guilty agent, for we could then no longer institute Election Committees or Commissions of Inquiry, seeing that with them the secrecy of the ballot would of course vanish. While he was upon this subject he was anxious to read to the House a short extract from an opinion in which he concurred, and which was expressed by an ancestor of his, who held Liberal opinions, and who was designated in a book lately edited by the noble Lord the Member for London as the "reforming Duke of Richmond." That individual said—

> "The idea of the ballot can have arisen but to avoid some improper influence, and I conceive it much more noble directly to check that influence, than indirectly to evade it by concealment or deceit. I am convinced that in things like this trivial circumstances tend greatly to form the national character, and I think it most consistent with the character of an Englishman that all his actions should be open and avowed, and that he should not be afraid of declaring in the face of his country whom he wishes to intrust with his interests."

With the permission of the House, he (Lord Lennox) would say a few words as to the effect of the ballot upon the character of the people. It was undoubtedly a matter of importance to consider, before passing a law of that description, not only what its probable, but also what its possible, effect would be upon the character of the people. He believed it was pretty generally admitted that in countries which had free governments and representative institutions, the temper, the habits, and the character of the people were in some degree derived from the laws and institutions under which they lived. The English character had hitherto mainly been a manly, upright, and straightforward character—a character, in his opinion, well suited and adapted to the dignity of liberty. Then, he thought it well to consider whether it was wise, or whether it was politic, to introduce a law like the ballot, the very essence of which was meanness and servility; and he could not but think that the habit of opinions concealed, equivocation substituted, private judgment destroyed, wholesale hypocrisy legalised—the natural effects of the ballot—would give the people a disregard for the value of truth, and, at best, a regard only for the outward semblance of integrity. It was for these reasons, because he believed the ballot would neither do away with intimidation nor put a stop to bribery, and because he believed it would annihilate free discussion, decree deceit, and sanction dissimulation, that he should, without hesitation, vote against the Motion of the hon. Member for Bristol.

Mr. COBDEN said, he recollected that about nine years ago he had brought forward a Motion in that House, to which he had given more than usual time and attention, and which subsequent discussion and experience had shown to have been founded on true policy. He recollected that the right hon. Gentleman (Mr. S. Herbert), who was in the Cabinet, and the Colleague of older and shrewder heads, was put forward to oppose that Motion, but upon which he had since avowed a total change of opinion. He must say, with all candour, that though the right hon. Gentleman must have had considerable experience since then, he had hardly gained the wisdom by it that he might, for he was now again doing that which he did then for older and more sagacious Colleagues. The right hon. Gentleman was now taking up the defence of a cause which had been as thoroughly demolished by reason and argument as was the cause of protection in 1844; and he (Mr. Cobden) ventured to record his opinion that the right hon. Gentleman would live to make as manly a disavowal—after he had seen the result of the ballot—of the opinions he had expressed that night. He (Mr. Cobden) said that this question had been settled by reason and argument as triumphantly as anything ever was decided in that House. If they were discussing the ballot simply as a question affecting a body of men all of whom were on a social equality, there would not be one argument why the ballot should not be adopted; for, hide it as they might, conceal it from themselves if they could, the fact was they opposed the ballot because they always entered into a discussion of it with a latent idea that it was the right of somebody to know how somebody else voted. But if a body of men—if 500 individuals—were placed in one apartment, and they wished to know honestly the opinion of the majority of their number;—if no one had right or power, or pretension, to exercise any undue influence whatever, or any mastery over them, except what he derived from argument and reason, they would not find one of those 500 men that could say why the ballot should not be adopted. The right hon. Gentleman had given them some arguments with which he would proceed to deal. In the first place, he had erroneously assumed an assertion by those who preceded him, that the ballot would be totally effective to put down bribery. That was not admitted, but this was—that while the ballot would put an end to intimidation, it would be a very potent obstruction to bribery. But the right hon. Gentleman went further, and said that bribery might be an increasing evil, but that intimidation, owing to the operation of public opinion, was decreasing with the lapse of time. The right hon. Gentleman also compared the present period with that of 1832 and 1833, and said we had very much improved the state of things in this respect since then, for popular opinion had to a certain extent put down intimidation. But he denied it. What had been done was, that the counties, in a vast majority of cases, had succumbed to intimidation, and had become so subservient to proprietary and territorial influence, that they had ceased to make any struggle for their independence. Talk of intimidation having diminished!—was it not a recognised principle in county canvassing that it was insulting to a large proprietor to canvass his tenants without having first obtained his permission? Would anybody deny that? They had heard of a case in which a rupture between two landlords had arisen out of a difficulty of this kind, and in which they had talked of a duel in consequence of this electoral poaching on their territory. The counties, before the Reform Bill, were the strongholds of liberal opinions in this country; there were Members for the counties who took their stand on that side of the House in defence of old principles of constitutional freedom; and it was they mainly who had carried the Reform Bill itself. Why, then, had such a complete change taken place? Now you might go into any county, see who the proprietors were, and find that the representation was told off in the interest of those great families whose power gave them a control over votes, and enabled them to swamp the freeholders—the ancient independent stronghold of the freedom of this country. Where they had tried the experiment of a contest, there was no scarcity of intimidation. In North and South Northumberland, Herefordshire, and Surrey, the few cases in which they had had any contest, there was certainly no proof that intimidation had decreased. The right hon. Member for Morpeth (Sir G. Grey), when standing on the hustings had spoken of the ballot, expressing an opinion that the arguments for and against it were alike exaggerated, but declaring that its greatest practical advocates were such men as he had come across in his canvass. He was called upon to "name," and met the cry with an assertion that he might almost say their name was legion; and now he called that right hon. Gentleman, who on the hustings had spoken thus, into the witness box to speak to the character of the county electors. He could quote far stronger evidence, relating to Herefordshire, West Surrey, and other contests for counties at the late election, to prove the amount of intimidation which had taken place; but, if, in the half dozen instances where such contests occurred, they found that that terrible amount of intimidation existed, need they be astonished that the counties had passed out of the electoral pale, that they had ceased to exist for all purposes of useful discussion and manly political contention, and that they had sunk down into total subserviency? Let them go to a country where county contests had been the rule—to Ireland. What had been the case there? Had they seen any falling-off in the horrible amount of intimidation practised there, by priests on the one side, and landlords on the other? He began cutting out of newspapers, at the time of the election, extracts recording these proceedings, but he gave it up in despair, for it was impossible to make any selection of acts of intimidation and violence, so common were they in Ireland. There was violence by the mob, violence by the priests, and violence by the landlords, so much so that he saw, by the *United Service Gazette*, that 32,000 soldiers and policemen were kept in activity during the election, and that they had visited 182 polling booths during the contests. Was that a state of things to be passed over, or to be remedied? The right hon. Gentleman (Mr. S. Herbert) said they could not remedy this in Ireland, unless they passed such a measure as would shield the voters from both priests and landlords, and that both Catholics and Protestants must be equally protected. He (Mr. Cobden) wanted to protect the voter against any coercive influence that should compel him to vote against his own judgment. If he was to understand from the right hon. Gentleman that the ballot would not shield any Roman Catholic voter against the influence of the priest, because that influence would be exercised in secret, he (Mr. Cobden) maintained that the priest exercised an influence over the man's mind which, however some of them might deplore it, neither they nor he had any right to interfere with. He did not ask them to protect the man against an influence voluntarily accepted by him, for he denied their right to prevent the man taking counsel from those whom he believed better able to advise him than he was to guide himself; but he said—place the man in such a position that he might either follow or disobey the advice and instructions of those who undertook to guide him. As regarded the interference of landlords, no one could doubt that in a vast multitude of cases their influence had been exercised to the great detriment of the tenant, and the injury of his family. If they might believe hon. Gentlemen on the other side—and there was an explosion from the hon. and learned Member for Enniskillen (Mr. Whiteside) last night, from which it appeared that there was undue influence exercised by the priests, and they had warrant for believing this in the facts before them. He had read of Roman Catholics who had voted against the wishes of the priests for the Protestant candidate, having their seats torn up in the chapel by their co-religionists. That was a species of intimidation calculated to make a person vote against his own convictions. If they shielded the voter effectually against the undue influence of the landlord, they might by the same measure, perhaps, protect him from the influence of the priest; and if that was their object, let them try the ballot. The right hon. Gentleman also told them that the ballot would not remedy the evil of bribery, since bribery would be practised wholesale—that a Parliamentary agent would go down to a borough, and tell the voters that if they returned so and so they would have so much to divide amongst them; but unless he were returned they would receive nothing. The answer to that was, in the first place, that reformers did not intend to have such little rotten manageable boroughs as could be bought. It might be perfectly true that such a plan would succeed at Wilton or Shoreham; but he put it to the right hon. Gentleman if a Parliamentary agent would undertake to go down to such a borough as Birmingham, Manchester, or Leeds, where there was a constituency of 15,000 or 20,000, and buy them up wholesale? He thought that with 26,000,000 of people to be represented by 658 Members, if they were to have a representative system such as would bear the light of day, they could not have any small constituencies. They could not have the people fairly represented in that House unless they had all large constituencies, and when they had these, he defied the right hon. Gentleman, or anybody else, to devise a plan by which he could buy a constituency of 7,000 or 8,000 persons wholesale. This had not been done under the present system with open voting, and he thought it would not be done with the ballot. The right hon. Gentleman had touched on the system of balloting in clubs and private societies, but did not very happily account for the motives which induced people to have recourse to it when he said that the motives were such as they dared not avow. Why not? If any improper candidate were proposed in a club to which he (Mr. Cobden) belonged, he would not hesitate to vote against the person at once, even if he were to do so openly. But the fact was that it would be inconvenient to vote openly, and therefore, to shield themselves from a slight inconvenience, they adopted a privilege which they would not allow others to enjoy. But balloting was not confined to clubs; there was the East India Company, who voted by ballot, and he did not find any provision in the new Bill to prevent that practice. There was an hon. Gentleman there who represented Devonshire, and who could tell them that, twenty years ago, the Devonshire magistrates, finding it to be extremely inconvenient to them to be obliged to vote openly in electing a Chairman of quarter-sessions, adopted the plan of voting by ballot. Again, in Sussex, the county to which he (Mr. Cobden) belonged, some time ago, a high constable was to be appointed by the magistrates to command the new constabulary force; there was great competition for the situation, and six candidates appeared, and in order to have an unbiassed

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decision, and not to be influenced by the importunities of their friends, they resolved at the instance of his hon. Friend behind him, to adopt the ballot in their own defence. If these things were done by the magistrates of Devonshire and Sussex, why should there be anything so un-English in the practice? In fact, the ballot was more used in England than in any other country in the world, in every case except where the mass of the unprivileged people really wanted it. He could scarcely take up a newspaper without stumbling upon something indicating the universality of the ballot. In the course of his reading the other day, he fell upon an account of a great archery meeting in Breconshire. There was a glowing penny-a-line description of the ladies and of the general proceedings, and he found these words added, "Sir Joseph Bailey, Mr. and Mrs. Greenfield, Colonel and Mrs. Pierce, and Mr. Powell, were balloted for and elected members of the society;" and the account wound up with the announcement that "at the witching hour of the night the entertainment was perfect in all its parts." The Royal Society, and others he could mention, resorted to the ballot; but he would not weary the House by referring to them. The right hon. Gentleman had referred to the working of the ballot in America as not being secret, and went on to assume that they contemplated making it so secret in England that the people would not submit to it, because it would prevent men from stating what their opinions were. He was sure that no advocate for the ballot had ever contemplated any such tyranny, and that when the hon. Member for Bristol (Mr. H. Berkeley) got his Bill passed, as he would some day, any man who had a mind might go to the poll with a card on his hat, bearing the name of the candidate for whom he intended to vote, or might shout his favourite's name as loudly as he pleased. All they contemplated was such a provision as would enable a man to vote without anybody else knowing how he did vote. Those who chose to be canvassers, or open and avowed partisans, might be so; but the number of persons who took a part of this kind in public contests and elections was very small. The right hon. Gentleman then told them that the ballot was not popular in America; but he could assure the right hon. Gentleman, from some little acquaintance with that country, that any politician who proposed to abolish it in any State of the Union where it existed would be looked upon as little better than a political madman. It was the cardinal article of their political faith; and there never had been an instance of a State which had adopted the ballot having departed from it, but the tendency had been constantly the other way; and he believed that at present there were but one or two slave States, Virginia and another, in which it had not been adopted. It was not mere bribery and corruption they had to deal with; the right hon. Gentleman had studiously evaded what he (Mr. Cobden) considered the great blot upon our electoral system—the blackguardism and brutality of our contests. What did we see at Oldham—where it was stated by the chairman of his hon. Friend's (Mr. Fox's) committee, the day after the announcement of the numbers was made, that his supporters would not have been able to vote at all if they had not come to the poll by by-lanes, some of them even going by train to Manchester and returning, in order that they might seem not to be going to the poll at all? Then there was Blackburn, where for some days intimidation and violence were kept up in the town, besieging people's houses, breaking their windows, and in one case two guns discharged, and some shots lodged in the face of an individual. Was that an English, was it a desirable, state of things for this country? He ventured to say that the scenes witnessed at Blackburn only during the last election surpassed in atrocity all that had occurred on a similar occasion throughout the American Union. He confessed his great hope from the ballot was this—that it would change the character of our elections, put an end to the use of bands, flags, and the like, and to the nuisance of open houses for drinking. If they had vote by ballot, he believed the electors might go to the poll as quietly as they went to church on Sundays. The right hon. Gentleman stood now in a very different position from that which he occupied nine years ago, when he (Mr. Cobden) had to meet the right hon. Gentleman on another question, speaking in the name of a united Cabinet. The right hon. Gentleman seemed, even when denouncing secret voting as calculated to inflict countless evils on the State, to speak with a secret consciousness that he was in the presence of at least one Member of the Cabinet who was as hearty a supporter of the ballot as he (Mr. Cobden) himself, whilst the Attorney General, the Solicitor General, and other Members of the Ministry—the Judge Advocate also—were prepared to vote for it. The Members of Government should be prudent enough to take into account who the parties were who generally supported them in the division; if the so-called followers of the Government were left to vote with them on this question, they would very soon settle it. This was a very serious question for Her Majesty's Ministers, for the question of the ballot was, he firmly believed, of all others, that which the electoral body took the deepest interest in. If they looked at the composition of their own party, and the opinions of the Members representing the largest constituencies, they would find almost every Member who represented a large and powerful constituency voting for the ballot. If Her Majesty's Ministers were determined to resist the ballot, he should like to ascertain what other remedy they proposed for the existing evils of the electoral system. Committees were appointed, and Commissioners sent forth into the country, and inquiries made into that which every one perfectly well understood; but they wanted the remedy. Everything would be tried except the real remedy: as in the case of the corn-law agitation, every remedy but the right one was suggested. There was a remedy, which had been recommended by the profoundest thinkers of the age—by Bentham and Grote. Would they give it a trial? If not, why not? A very large borough was likely soon to be declared vacant by a decision of that House—why not consent that the ballot should be tried at the election for that great borough? He would not have it first tried in a small pocket borough with 200 or 300 electors: that would not be a fair experiment. Were they afraid of the mischief that could be done by venturing to have a solitary election on the principle adopted in all their clubs, in the India House, and in social meetings—a system of voting which was carried on successfully and with increased favour in America, Belgium, Switzerland, and France? Were Ministers resolved, in spite of the world's experience, of classical authority, and of all the recommendations of the system, not to give it a trial? Then what did they drive the country to? Must there be a ballot league, as there had been an anti-corn-law league? He thought—he hoped—they had grown wiser. He had been encouraged, by the success of the Budget, especially of its keystone, the succession tax, to hope that the time had come when questions like this would be fairly decided by argument—that at any rate, the Legislature would consent to try an experiment, without compelling the country to resort to associations and agitation. He would suggest another experiment. Pass an Act to make the ballot permissive. He had such faith in the principle that he would offer the most handsome terms. Let them pass an Act which should enable any constituency that chose to adopt the ballot, to try the experiment; and having come to that decision, that they should, on notifying the same to the Home Secretary, elect their Members by ballot during that Parliament, retaining the power to return again to open voting if they did not like the ballot. That met the argument that the people did not want the ballot. He could only say, in conclusion, as we were threatened with a Reform Bill—he said threatened, for a Reform Bill that did not embrace the ballot was a threat—that he would rather postpone an extension of the franchise at all, than run the risk of spreading the virus of intimidation and corruption which now prevailed, amongst another section of society, by opening the door to the *5l.* householders. He would rather remain as we were than admit a more dependent class of people to be operated upon by the same corrupting and debasing influences that acted upon the present constituencies. If the Government were not prepared to grant the ballot with the Reform Bill, it would be better to postpone the Reform Bill, and let the country demand the ballot.

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Sir ROBERT PEEL said, that he had last year given a silent adhesion to a Motion in favour of the ballot, and he now rejoiced to have an opportunity of offering a few remarks in support of the present Motion. Since Mr. Grote first brought forward this Motion in the House of Commons, up to the present day, we had had powerful arguments in support of that measure which the hon. Member for the West Riding (Mr. Cobden) had so ably advocated. He (Sir R. Peel) supported the ballot, not from any love of reform, not from any desire to upset or unsettle the institutions of the country, but because it appeared to him calculated to promote the liberty and independence of the people. Vote by ballot seemed to him well calculated to promote purity of principle, while it must also tend to insure freedom of election. He believed that the greatest possible publicity should always accompany the political acts of a constitutional Government; but that, on the other hand, the greatest possible secrecy should always accompany the sovereign expression of public opinion in the exercise of the elective franchise. Therefore it was that he thought that this measure, which would tend to elevate the public mind, to free it from the influence of political animosities, and to render it no longer liable to the heat of political passions, should meet with the regard and attention of that House. Out of doors the balance of public opinion indisputably inclined to this free, this easy, this honourable system; and as the balance of public opinion out of doors inclined that way, so he firmly believed that on that night the majority of the House of Commons must equally incline in its favour. [*Laughter.*] Well, if it did not that night, its success was a mere matter of time. And it must be a source of great gratification to those amongst them who were faithful to their political convictions to look forward to the accomplishment of their political views, and to remark that on each successive occasion when this measure was submitted to the House, there was a rapidly diminishing majority against it. This was a clear proof to him, and to everybody else who had any sense, of the progress that this question was making in the minds of hon. Gentlemen. The hon. Member for the West Riding said, quite correctly, that the representatives of all the great towns were in favour of the ballot. Go to any large town, any great borough, any great concentration of population, like Birmingham, and he would venture to declare that he was only echoing the sentiments of thousands out of doors, when he said that public opinion out of doors looked forward to the ballot as a measure that must ultimately remove the great stumbling-block of political iniquity. He would appeal to that House whether there was ever a more fitting opportunity than the present for submitting to them a measure like the ballot, after the scenes of bribery and corruption which had unhappily prevailed at the last general election. He did not mean to act as the apologist of any one in that House or elsewhere; but he must say that it appeared to him most unfair and ungenerous to endeavour to throw the blame of the proceedings which took place on that occasion, that is to say, the last general election, upon the followers of Lord Derby's Administration. That was evidently what was attempted to be done; while the real fact of the matter was that both parties were equally in the wrong. Out of the first thirteen seats declared vacant during the present Session for bribery and corruption, six were occupied by what were called Liberals, and seven by what were called Derbyites; a tolerably equal division, he thought, of thirteen. If he were asked for proof of the evil which existed under the present system, he would not take them to the dockyards, to those poor hardworking artisans that the noble Lord the Member for London thought he could have crushed, but he would take them to Hull and to Harwich, to Clitheroe, and to Tavistock. Let them think of the prevaricating householder of the borough of Tavistock! He did not know who was the principal proprietor of that borough; but this he did know, that if the noble Lord really had the audacity to introduce a Bill to disfranchise the dockyard artisans, and left unscathed the borough of Tavistock, he thought he was guilty of conduct that merited the reprobation of that House. Let them, then, go to the Fountain Inn, at Canterbury, or think of Mr. Morris, and the "Waggon and Horses," and the reasonable quantity of beer that he was told to distribute to the people of Blackburn. Think of Harwich, and reflect upon Mr. Nathan, who, we are told, to use his own expression, in the Reports of the Election Committee, "did not know exactly what he was after." Did not these cases call for some political action? Why, the ballot would strike this evil to the root; and, therefore, he, for one, would give his hearty and cordial assent to it. But he was anxious, from the position which he accidentally held, to be perfectly understood as to the support which he gave to the ballot. He supported the ballot from no mere love of reform, nor did he want to see it affect—nor did he think it would affect—the legitimate influence of property. If any one would take the trouble to prove to him that it would have that effect—as some hon. Gentleman on that (the Opposition) side of the House thought—he should oppose it as earnestly as he was now endeavouring vigorously to support it. But he did not believe that it would have this effect; and he was sorry to see two Gentlemen for whom he had so great a respect—the hon. Member for the West Riding (Mr. Cobden) and the hon. Member for Manchester (Mr. Bright) so frequently throwing a stone at the legitimate influence of property. [*Both Mr. Bright and Mr. Cobden intimated dissent.*] At all events the hon. Member for the West Riding had done so, and he would prove it. About three weeks ago that hon. Member mentioned the case of the borough of Bridgnorth, and in connexion with it the name of Mr. Whitmore; and he said, "Here is a case for the ballot." Now, the influence of Mr. Whitmore, which the hon. Member condemned, was evidently founded upon the affections and esteem of the neighbourhood in which he resided; and his exercise of it was evidently merely the result of his sense of the responsibility which his property entailed; and if he did not exercise that influence, he (Sir R. Peel) should think he did not sufficiently well fulfil the duties of the station he occupied. Therefore it was that he wished to maintain the legitimate influence of property; and that he did not wish to throw a stone at its influence. He knew perfectly well that the ballot must pass into law; it might not be that night or even the next year, but in three or four years it must pass. Of course there might be, as there had been after all great radical changes in the economy of Government—as, for instance, after the Reform Bill—great convulsions in the country. But these would subside, and calm and quiet would succeed, and the legitimate influence of property would assume its proper sway. For the people of this country were far too sharp and acute not to be able to discern the wide difference that existed between the permanent advantages they derived from the legitimate influence of property, and the questionable results which followed the noisy turbulence of mob orators and adventurers. He had, therefore, no fear that the legitimate influence of property would be destroyed. He must, however, maintain that secrecy of voting was freedom of voting. Of course in this country there were very rare opportunities of testing this assertion; but what had transpired in the Election Committees upstairs showed at any rate that publicity had interfered with the freedom of voting. His right hon. Friend the Secretary at War, and also other hon. Members, had alluded to the case of foreign countries. Well, he would do so, too, and he would refer to what had occurred only the other day in Spain and Tuscany, just to show the value of the ballot even in those despotic countries. And if it was valuable there, surely it would be equally advantageous in this far more favoured country. When in Spain, the other day, the Government of Bravo Murillo was upset, and was succeeded by that of General Roncali, the latter was anxious to continue the same violent proceedings as his predecessor. He dissolved the Cortes, and sent them back to the country—bribed the electors—packed the Chamber. So far all was easy. But then, to overcome the opposition of the Senate, he elected forty-five senators all at once; quite on the system originally proposed for the carrying of the Reform Bill, but which did not answer here. However, having elected these senators, he thought he was secure; but what was the result? There were four secretaries to be elected, who, by exercising considerable authority in the Senate, held great political influence in that body, and having vote by ballot in the senate, the opponents of Government were elected in every instance, in opposition to the Government candidates. It was quite clear that if the ballot had not existed, the Government of Roncali would at this moment be carrying on the most iniquitous system there. Well, in Florence, the other day, Prince Lichtenstein proposed a member of the Windischgratz family as a member of a club or *réunion* there. Now, as the Austrians were naturally enough hated in Italy, this young man, probably very amiable in himself, was blackballed. The consequence was that Prince Lichtenstein, like all military *sabreurs*, was furious; he called out the military, occupied all the important posts of the city, threatened to interfere with the popular amusements, and called a meeting of the club, to which he said—"The ballot is all nonsense, the ballot is not freedom, let us have publicity." Of course, with the sword hanging over their heads, the members of the club could not do otherwise than assent, and the result was that the candidate who was the day before blackballed was then unanimously elected. Now these, he must say, were two very remarkable cases, and afforded striking proofs of the efficiency of the ballot. He could not, however, allude to the subject of the ballot without referring to the noble Lord the Member for the City of London. The noble Lord held a distinguished position in the opinion of his countrymen as a reformer. He heard him with the greatest surprise say the other night—but these, he supposed, were only his "private" sentiments—"We are not going to govern this country by checking the progress of democracy. What we are going to do is to make democracy conservative." He (Sir R. Peel) never heard such sentiments expressed in the House of Commons. To talk of endeavouring to make democracy conservative in a country where the aristocratic influence had reigned dominant in society for upwards of 150 years, did appear most monstrous to him. He remembered some time ago having heard the ex-Chancellor of the Exchequer (Mr. Disraeli) say that the noble Lord was the subordinate of a subordinate. Let him, however, correct the right hon. Gentleman, and assure him that the noble Lord was nothing whatever of the kind. He had the distinguished authority of the Earl of Aberdeen for stating that he had no subordinates at all. Now, really he must say that when the Prime Minister of any country said that he had no subordinates at all, he must have a very moderate opinion of his own political position. Here was a noble Lord who one day attacked the religious feelings and sympathies, and insulted the loyalty of the Roman Catholics of Ireland, and they were then told that these were only his private opinions, though he was the leader of the House of Commons, and that they were not shared by the Earl of Aberdeen and all his Colleagues. The same noble Lord then proposed to trample upon the birthright of the dockyard artisans, and rob them of their political inheritance, by recommending their disfranchisement in a Bill now before the House, though he (Sir R. Peel) knew he never would dare to submit a measure of that kind to the House of Commons — and this was the man who talked about making democracy conservative. On the first opportunity he had of doing anything to elevate the condition of his fellow-countrymen, he endeavoured to rob them of their political rights, and when he found himself restrained by his Colleagues, as he would have been by the House, what did he do? Why, the noble Lord quoted what he called a very sensible opinion of Lord Melbourne, evidently with the intention of throwing it in the teeth of the Earl of Aberdeen, to the effect that if the Members of the Government only agree about the course to be pursued, the opinions by which they arrive at that course do not matter. One would really think from this that the noble Lord and the rest of the Government were of one opinion about everything. He would beg the House just to look at the opinions of the Cabinet upon this very question of the ballot. There was the right hon. Member for Southwark (Sir W. Molesworth), the glorious Radical of Southwark, who looked upon the ballot as the anchor of salvation to this country; and he (Sir R. Peel) thought he was perfectly right. Then there was the right hon. Member for Carlisle (Sir J. Graham), who was now sitting with great complacency onder the influence of the gentle breezes that fanned the Admiralty flag, who looked upon the ballot as a kind of Cape Horn of politics, a kind of *Ultima Thule* of political navigation. Well, then there was the Solicitor General, the Jew Member for Aylesbury; but, subject to the weathercock of personal interests, his political opinions were worth but little. Then there were those few hon. Gentlemen whom the country regretted so much to see separated from their legitimate connexions, now that no adequate cause existed for that separation. He did not know how they would vote; but there was, at any rate, one hon. Member of whom he did not know which way he would vote, and that was the gallant Captain, the eccentric Member for Middlesex (Mr. B. Osborne). There was the hon. and gallant Captain the eccentric Member for Middlesex, whom, at all events, in unrestricted confidence, he should have the satisfaction of meeting in the lobby on that occasion; and as men's minds were now occupied with Constantinople and Turkey, so he hoped that on this question of the ballot, the hon. and gallant Gentleman and himself would meet in the Dardanelles of that House, and manifest the existence between them of a perfect *entente cordiale*—such as was said to exist between France and England on the Turkish question. But he repeated that the course likely to be taken on this subject by the different Members of the Government would be no great proof of unanimity, even as to the votes they would give, setting aside unanimity as to their reasons for those votes. Now, he asked the House, although he occupied a very humble position in it, seriously to look at the inefficiency of their legislation as regarded the corrupt practices at elections, and to contemplate the evils which during the last twenty years had made such rapid strides, and which evils the ballot would assuredly curtail, if not entirely eradicate. Let them recollect that in the Parliament of 1841 there were eight convictions for bribery—in the Parliament of 1847 fourteen elections were declared void for bribery and corruption; whilst in the present Parliament, of the first sixteen seats which were attacked by petition for bribery and corruption, only three had been able successfully to resist those attacks; and how many since had fallen, and been found by their agents guilty of bribery, he had not accurately ascertained. There were still several cases before Election Committees under similar charges. Then there was the powerful borough of Aylesbury, which was twice under the last Parliament convicted of bribery. He knew not if the morality of that borough had improved since it had had the good fortune to be represented by the present Solicitor General; but this he must say, that if they only looked to the laxity of the hon. and learned Gentleman's principles, it might not be necessary to ask the question. But take the case of the Wigton burghs—a remarkable instance for the application of the ballot. The votes for Sir John M'Taggart were 140, and for Mr. Caird 139. A petition was presented, and dropped, for this reason, that Mr. Caird could not withstand the influence of Lord Stair, and all the array of eleven lawyers who were staring him in the face. Mr. Caird also said that he could not bear the expense of a scrutiny; and he (Sir R. Peel) said it was monstrous that if bribery could be proved—and he did not now say that it could—that because of the expense, this corruption should be allowed to go unexposed. Then there was Blackburn and Chatham, which had been enfranchised by the Reform Bill, and both of them had been found guilty of bribery. And what was the sum total of all that had been done during the last twenty years to stem this torrent of corruption? In 1839 Sir Robert Peel's Act was passed respecting the constitution of Election Committees; in 1841 a further Act was passed on the subject of agency in matters of bribery; and, in addition to that, they had had the disfranchisement of Sudbury and St. Albans. That, he believed, was all that been done during the last twenty years for the punishment of this vice; and he asked—had they not got at least the chance of the ballot, and had he not a right to urge that Parliament should give it a trial? He asked all those hon. Members who were dissatisfied with the present system, therefore, to support him, and to rally round this popular standard. They might not be triumphant that night in that House, but they might be victorious out of doors; and if any hon. Members were now halting between the two opinions, let him take the liberty of asking them to reflect upon the inefficiency of all their existing legislation on this subject—to consider the expense attending, and the consequences resulting from, the present system of Election Committees, as exhibited in the case he had just mentioned of the Wigton burghs; and, above all, let them think of the demoralisation engendered by this wholesale system of bribery, corruption, and intimidation. Let them figure to themselves what remained to be done to improve and elevate the public mind, and to raise it to a just conception of the duties entailed by the working of our free institutions. He asked them to weigh well all these considerations, and he felt convinced that many hon. Members who might hitherto have refused to sanction this measure would become as cordial supporters of it as he was himself—a measure which, without weakening the legitimate influence of property, would enable the constituencies to exercise their franchise with independence and freedom of conscience, and must, in his mind, materially promote the interests of all classes in the community. At all events, whatever might be the result of this discussion, whether the Motion were successful, or whether they were to be beaten that night, he knew that the time had passed when the ballot could be met, as it had been met before, with illiterate sneers and contemptuous taunts. The friends of the ballot courted inquiry, because they felt confident that the more its principle, which was that of independent and conscientious voting, was examined, the more favourable would be the result to the opinions they advocated. He would, therefore, ask Parliament to interfere; and by investigation and inquiry into the present system of electoral legislation, and into the methods for correction of its abuses, he recognised the safest guarantee for final and complete success.

The LORD ADVOCATE said, he was unwilling to give a silent vote upon the subject under the consideration of the House; but, looking at the lateness of the hour, and considering the full manner in which the subject had already been discussed, he should confine his observations to a very small compass. It had been stated that on former occasions the arguments on this subject had all been on one side; and the hon. Member for the West Riding (Mr. Cobden) seemed to speak as if he were unable to find a foeman worthy of his steel. Now, what he meant to say, was, that whatever might have been the case on former occasions, there could be no doubt on the present in which way the balance turned; and the speech of his right hon. Friend the Secretary at War had left so little for him to say that he would limit his observations to one view of the subject, but that view was one which had always pressed most strongly upon himself. The grounds upon which the opposition to this measure was founded, seemed to be different, and hon. Gentlemen opposite, who had opposed it, had done so on account of its democratic tendency; while, on the other hand, it had been urged that it was a measure which ought to receive the support of the Liberal party. But it seemed to him that the proposal contained a principle not only not in accordance with, but antagonistic to, the principles of a free government. It was not very difficult to see one principle in it repugnant to free institutions, and if he had read but little of the history of this country, or but little studied the opinions of her liberal statesmen, he should have, nevertheless, seen in the proposal a principle adverse to the liberal maxim that the influence of popular and public opinion was the only security for the exercise of constitutional rights. The hon. Baronet (Sir Robert Peel) had referred to instances of the advantage of the ballot which had occurred in Spain and Tuscany; but it rather appeared to him that if this secret voting were held up, as now, as a test of a man's liberal opinions, it would not be convenient to such Governments as those of Spain and Tuscany. This secret voting, he contended, was perfectly fitted for the despotic atmosphere of Spain, but was entirely repugnant to a popular constitution such as ours. The hon. Member for the West Riding had expressed his opinion that no man had a right to know how any other man had voted at an election for a Member of Parliament. He did not concur in that opinion, for he thought that even if the establishment of vote by ballot were to take place—even if it did prevent intimidation, it would, at the same time, remove the proper check which public opinion exercised over every man's vote. If a man had a vote only for his own benefit, he would admit that the argument which he had advanced against the introduction of the ballot had failed; but he maintained that a vote at an election was as sacred a trust as a vote in that House, and ought to be exercised for the public good; and, if so, it was only safe for the public interest that every vote given should be subject to the influence of public opinion. The fallacy of the arguments used by hon. Gentlemen who supported this measure, was, that they had looked only at the evil, and not at the remedy which they proposed to apply to it; but it seemed to him that if the principle were established, it would not only be an alteration in the manner of taking the votes at an election, but it would be introducing a new element into the constitution, which would extend much further, and would influence very materially the whole of the electoral system. This being the general view which he entertained of this question, he would not weary the House by going into the question as to whether the ballot would or would not diminish the evil complained of; but he should have liked, on the one hand, to show that these evils were to be met in a very different way; and, on the other hand, to call the attention of the House to the manner in which hon. Members in favour of the measure had disagreed as to the real evil. The hon. Member who brought forward the measure had even intimated that there were redeeming points about bribery, at least he said there were some good excuses for it. Now, he could not agree in that opinion. Then they had intimidation urged as a reason for the ballot, though the right hon. Secretary at War had disposed of that objection; and the hon. Member for the West Riding said it was rioting and tumultuous proceedings at elections to which he principally objected. In his opinion, secret voting would not prevent bribery, but, on the contrary, would increase the evils complained of. [*Cries of* "Oh!"] If it did not prevent them, it certainly must increase them. For this reason, the hon. Gentleman, in stating the account as to how the ballot would prevent corrupt influence being exercised on voters, had said nothing whatever of the pure honest voters who were made and kept honest by the influence of public opinion. Secret voting would not remove bribery, but it would loosen all those ties by which men were bound together, and by which, notwithstanding the corruption which existed in many elections, the general healthfulness of the electoral body had been preserved, and which had made that House the best exemplification of the representative system the world had ever seen. How were they to preserve public spirit if they established secret voting? No one knew better than the hon. Member for the West Riding, that though they had the ballot in America, there was no such thing there as secret voting. If we adopted secret voting in this country, what would become of our committees, of our public meetings, where men were banded together for one common object in public matters? Every man would distrust his neighbour. Suppose there was a canvass in which all the promised voters were taken down on each side; and suppose that the result of the voting differed altogether from the canvass, each man would believe that his neighbour had deceived him; and if they had the best possible administrator of the ballot box presiding, it would be difficult to persuade men that some foul play had not been practised. The real objection which he had to the ballot was, that it was a weapon taken from the armoury of arbitrary power; and its tendency was to shut out that which was really one of the purest elements of our constitution. The whole principle of secret voting was repugnant, he would repeat, to the institutions of a free country; and he agreed with the opinion expressed by Mr. Fox, that it was not the laws of a country which were written in books, but the boldness of men's minds which impelled them in a time of public emergency to public discussion. We had seen nations on the Continent trying to set up the empty fabric of our constitution; but they could not do it, because they had been unable to infuse into it the spirit of the people. It was the public spirit of our nation which circulated from the lowest to the highest—from the Monarch on her throne, to the peasant in his cot—that was the lifeblood of our constitution. Check but its progress—obstruct but its free flow—and you might keep up the empty skeleton of the constitution; but it would be beyond the power of all laws or arguments to resuscitate the public spirit of a nation when it had once expired. They would never advance the interests of a nation by calling upon men to exercise the most important function with which a citizen of a civilised State could be charged, in impenetrable darkness; and they might be assured that they could never turn a knave into an honest man by making it impossible to distinguish an honest man from the knave.

MR. BRIGHT, who rose amidst calls for a division, said, that he was aware what hour of the night it was, and he was willing either to go on or adjourn. But in the present state of public business, and at that late period of the Session, the House would probably be disposed to sit a little later than usual. The subject was worthy a fair and full discussion; and he was glad to find that on the present, the Government met it more earnestly than on former occasions, from which he augured that they would either concede the question, or were prepared to buckle on their armour and contend against it. He admitted that the advocates of the measure were bound to prove that the case was one which required a remedy, and that the remedy they proposed was the one applicable to the case. The general arguments by which the proposition before the House was met were comprised under three heads, namely, that the evil they complained of was not so great as they charged it to be—that the ballot would not cure it, or, if it did cure it, the cure would be as bad as the disease itself. He could state more fully what the hon. Member for Tamworth (Sir R. Peel) probably had not the means of stating, namely, the total number of seats that had been vacated during the Session. It appeared that sixteen Members had been unseated for bribery; four for treating only, seven for bribery and treating combined, one for an illegal engagement to pay money to get possession of a seat, and there had been two unseated for intimidation and riot—that was the Irish case—making altogether thirty Members that had been unseated for the occurrence of circumstances connected with their election, which the application of the ballot, in his opinion, would very much tend to remove, if it would not altogether remove, them. He had considered what had taken place since the Reform Bill, and he found that after every election there had been an immense number of petitions. In 1833 there were thirty-three petitions; in 1835, thirty; in 1838, sixty; in 1841, forty-three; in 1847, forty; and in 1853, sixty-seven petitions. There had been since the Reform Bill 315 petitions; and the average of the six general elections he had quoted was not less than forty-seven. It needed no argument to show that, under these circumstances, the House stood in a position of considerable humiliation before the country and the world. And it was difficult to say whether the House or the constituencies lost more of character. They had boroughs under the control of one patron, as Stamford; they had large boroughs under the control of the Government of the day, such as Chatham ; and they had even large cities, such as Westminster, where it was notorious that many electors abstained from voting on account of the extreme pressure put upon them by men towards whom they stood in some relation of obligation. But Ireland was perhaps just now more notorious in this respect than England. He would invite the right hon. Gentleman the Secretary at War to go with him to an Irish northern county, and he could show him that the spirit of the Duke of Newcastle was not dead, but lived as much in the Marquess of Londonderry as ever it had done in that noble Duke himself. They were battling for the purification of the electoral system, and therefore he would offer no evidence except that which was perfectly true and undeniable. He would read to the House extracts from the correspondence of the Marquess of Londonderry in reference to the last election for the county of Down. It was well known that previous to the last dissolution of Parliament, Lord Castlereagh had received orders from his father— [*Cries of* "No, no."] The rumour that he had received such orders was general; but he (Mr. Bright) did not think the circumstance was necessary for his argument, and therefore he should not pursue it further, but would call attention to a letter that was written on the 7th of February, 1852, by the Marquess of Londonderry to "My dear David," being, he (Mr. Bright) believed, the nephew of the noble Marquess, Mr. Ker. In that letter he stated that Lord Castlereagh felt himself pledged to Sharman Crawford—that it was quite impossible, in consequence of the strong opposition of the writer to the tenant league, that he could poll his voters even for a son, when there was so wide a difference in their opinions and views; that after the immense treasure that had been expended by the family on the county seat, he could not reconcile it to his own position during his life, to resign the representation even to Lord Castlereagh ; and he therefore offered to Mr. Ker, as his eldest nephew, the first refusal of his interest, and stated that if Mr. Ker should resolve to stand as an independent candidate, he would seek the most eligible candidate he could procure to occupy the family seat. There was also a letter from the son of the Marquess of Londonderry to "Dear David," in which he stated that he wrote by the desire of his father, and added, "he wishes to hear explicitly from you whether you accept the offer he made, *bonâ fide*, of coming in for the county of Down as his Member, and by his money." The definition of "his Member" is well understood, where not alone interest, but money, is given. Then came a letter from Mr. Ker, and another from the Marquess of Londonderry, the result of which showed that they differed in their understanding of the terms "patron and nominee." That was a case which the right hon. Gentleman the Secretary at War must admit was a fair parallel to the case of the Duke of Newcastle; and the argument of the right hon. Gentleman that what the Duke of Newcastle had done was unknown in these days, was entirely overthrown by that correspondence. It should be also recollected that that correspondence had reference to a county with 7,000 or 8,000 electors, and not to a small borough with a few electors. That county was thus written of by a Member of the other House of Parliament, who, according to the constitution, had no right whatever to meddle in the election of Members of that House—

Lord EDWIN HILL rose to order, and begged to say, in the absence of his hon. Colleague, that the correspondence which was read by the hon. Gentleman had nothing at all to do with the present representation of the county of Down.

Mr. BRIGHT said, he was rejoiced to say that Mr. Ker had not been driven out of the field by treatment of the kind he had described. He stood for the county; and, so far as he was concerned in this correspondence, he (Mr. Bright) would be glad to see a similar termination to every such attack. He had also a letter, which the hon. and gallant Member for Dungannon (Capt. Knox) was represented to have written to the tenants on the estate of his father, with regard to the county Down election. He said that as a contest was to take place in the county, he called upon the tenants to give their vote and interest to Lord Edwin Hill and Mr. Ker, and that as the tenantry had been always treated with consideration, they ought not to support the tenant-right candidate, Mr. Sharman Crauford, "whose vanity had got the better of his common sense." There was also a letter from Major Waring, who said that as a general election was about to take place, and as the interest of the tenants and of the landlord was inseparable—["Hear, hear!"] Yes, but the tenant was always required to go with the landlord—as the interest of the tenants and the landlord was inseparable, he thought it to be his duty to make known his intentions to them, and if they were disposed to act with him, he would be obliged. That was remarkably civil, he must say. He then stated that he intended to give his interest to Lord Edwin Hill, who was a tried friend to the country, but did not intend to promise his second vote to any other person for the present; and concluded by saying that if his tenants were inclined to support him in this course, they were required to make their intentions known through his agent's office as soon as possible. Then there was a letter from Mr. Blakeney, a barrister, which showed at least the ferocious spirit that unhappily prevailed in Ireland during the last election. It was dated Dublin, May 22, 1853, and was addressed to Mr. John Rooney, the land agent, and it stated that "if any tenant should vote for such a band of murderers as the Tenant League—if any of them should become so misguided, let them mark my displeasure. Now they have notice, let them choose between me and the assassins." In the county of Down the tenants of the Rev. Mr. Ford, who was living in exile in consequence of his pecuniary embarrassments, were called together into a farm-yard by his agent and son, who managed his electioneering business, and there they were insulted and bullied, for the purpose of driving them from the support which they had already promised to Mr. Sharman Crawford. There were cases in which afterwards these tenants were visited with every description of harassing annoyance which the landlord and agent could possibly bring on them. He (Mr. Bright) derived his information on these points from the report of a barrister, a public writer of some eminence, who after the last election went to Ireland, and made a minute investigation into the circumstances of the elections in the counties of Down and Monaghan. The hon. Member for Bristol (Mr. F. Berkeley) had already read the correspondence of a gentleman in Monaghan, which was disgraceful to any man who lived a citizen of a free country. Here was another case. Lord Blayney's agent wrote to the tenants, informing them that it was his particular wish that they should vote for Messrs. Foster and Leslie, and expressing an expectation that the tenants would have no hesitation in doing so. He added that he should be greatly disappointed if any of them voted for Dr. Gray, who was a stranger in the county. Some of the tenants wrote to Lord Blayney himself, and he returned a very proper reply, repudiating any wish to influence his tenants; but notwithstanding this, the agent was guilty of such conduct towards the tenants as it was the duty of that House to shelter them from. It was true that Dr. Gray was a stranger in the county, but nevertheless he polled 1,410 plumpers, while his opponents had only 1,010 and 968 respectively. Now, take the borough of Lisburn. They had heard a great deal lately of Catholic priests interfering in elections in Ireland. He was not fond of priests who interfered with elections; but no man could travel through Ireland and be ignorant of this—that the influence of the priests over the Catholic tenantry was directed to keep them from submitting to the opposite pressure which was put upon them by the landlords. He (Mr. Bright) held in his hand a letter, written by a clergyman of the Church of England, who was the agent of the Marquess of Headfort, in which the writer, addressing the tenantry, stated that his Lordship took the most anxious interest in the return of a particular candidate for the borough of Lisburn—that the occasion would be a means of showing to him whom he might regard as his friends in his future relations with the borough. It appeared that twenty-seven persons who voted for the opposite candidate had since received notice to quit; six of them had been evicted; seven persons who did not vote at all had had notice to quit; and some who did not make a sufficiently great resistance to the obnoxious candidate, had brought down on themselves the vengeance of the agent. Now he (Mr. Bright) would appeal to every Irish Member whether they could not, if they pleased, rise and make exactly similar statements to those which he had made? If it were not so, he could only say that public opinion in this country was remarkably deceived in regard to this question. But was the ballot a remedy for all this? He would ask whether the Marquess of Londonderry would have written those letters if he knew that his tenants could go up to the poll and vote by secret ballot? Would the agent in the county of Monaghan have made himself—not, as now, condemnable for his tyranny, but—ridiculous for his folly, by writing such letters, if the ballot had been established? He would now take the boroughs in their own country. In Canterbury, bribery was carried on by colour tickets; in Cambridge, 10*l.* was paid for a vote; in Derby, 3*l.* But in all these cases the money was paid after the vote had been given, or under circumstances which insured the delivery of the goods. Even in these guilty transactions men would not pay their money until the compact for which they paid it had been fulfilled. Now, the ballot would prevent all this. Take the case also of the city of Durham. He (Mr. Bright) knew something about the place, for he had stood two contests there. The expenses of the first were paid by a cheque for 65*l.*; the second was an affair of a week or ten days, and cost more; but they were both the purest contests that had taken place in Durham for the last fifty years. In the first case he had succeeded in unseating Lord Dungannon, who had paid 1*l.* a head to his voters; but besides that, the Marquess of Londonderry had a sort of mania for obtaining political influence in the city; and the noble Lord, he had heard since, had seventy or eighty men employed in his mines within seven miles distance of the city, to enable them to vote at the elections. Anybody, in fact, who could vote was a fair man to obtain employment in the Marquess of Londonderry's collieries, and these men were brought up to vote at the elections in waggon loads at the time, and having performed their work of voting for his Lordship's candidate, they go back to their employment in the mines. He had no interest in saying anything against the Marquess of Londonderry, because on his first return for the city there happened to be a quarrel between the noble Lord and his Member, and some of his Lordship's men were allowed to vote for him; but it was the system he complained of. It was a ruinous system that had cost some families half their fortunes, and others the whole. It was a disgrace to the country; and it was for that reason that he now thought it his duty to bring these matters before the House. He came now to a particular point in this question, which he hoped the House would allow him to go into in detail, because it related to the manner in which the ballot had worked in America, about which the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) appeared to be under some misapprehension. Now, let the House bear in mind that in the United States they had more elections than we have. They had elections—general elections—throughout thirty-three States; yet such being the check of the ballot, that charges of bribery and corruption were, he believed, altogether unknown in the country. A few nights ago he was speaking upon this subject to a distinguished man connected with the United States, who had, in fact, held the office of Attorney General in that country. [*A laugh.*] He was at a loss to conceive what excited the laugh of the hon. Member for Somersetshire; but he forgot that the hon. Gentleman generally was in a good humour at that hour of the night. But let the House bear with him for a moment on this point as the right hon. Gentleman the Secretary at War, and the right hon. and learned Lord Advocate, had both endeavoured to persuade the House that it would be something detrimental to the British character to adopt the ballot. It, however, had not done so in America, according to the authority he had just stated. In the State of Massachusetts, where the people were intelligent, well conducted, well educated, and highly moral, the ballot was established as far back as 1634; and to show its utility to the people in 1688, General Andrews was sent over by James II., who was anxious to destroy the liberties of Massachusetts, to get rid of the ballot. But the attempt failed, and the ballot had continued securing freedom of election to the people ever since. The secret ballot, which was the most effectual system of voting, had not then been discovered. In order to show the House what had been done since that time, he would read extracts from two letters which he had received from Massachusetts. One was from Mr. Nason, a Member of the House of Representatives, dated January, 1852. It was to the effect that the system of voting in Massachusetts was perfectly secret, a self-sealing envelope being provided to receive the voter's ticket, this envelope being of uniform size, and a heavy penalty being attached to any counterfeit. It was further stated that this secret ballot was highly prized by all classes of society, more especially the poorer class in the manufacturing towns. In a letter from Mr. Walker, the last Secretary of State for Massachusetts, dated February 18, 1853, the writer stated that having been made Secretary of State in 1850, it became his duty to see that the new ballot law was carried into effect; that the Whigs being unfavourable to the alteration, he was very anxious as to the result; that the new law was found to work well, there being no embarrassments, no fraud, and no intimidation under it; that it had been adopted in Rhode Island, and was agitated in other States, and that the Governor of New Hampshire had recommended the secret ballot to the Legislature of that State. Some time after receiving this letter, he (Mr. Bright) saw a paragraph in the *Leeds Mercury*, to the effect that this secret ballot system had been altered, and in fact repealed. He immediately wrote to Mr. Walker on the subject, and he had received an answer, dated April 11, 1853, it which it was stated that in 1852 some additions were made to the law, to render it more perfect, and that in the fall of the year all the national and State elections were made under it without any difficulty; also that the Whigs had sustained a "Waterloo defeat" in consequence of having "made war on the new ballot law." Here [*exhibiting a paper*] was a specimen of the envelope used in Massachusetts, having upon it the stamp of that State. Here [*exhibiting another paper*] was the ticket for the names of the candidates. The ticket, after being filled up by the voter, was dropped into the urn; and it was impossible for any one but the voter himself to tell how the vote was given. There was no possibility of fraud. The right hon. Gentleman (Mr. S. Herbert) had spoken of the ballot boxes being liable to be seized; but they must be the stupidest people in the world if they could devise no mechanical contrivances as a precaution against everything of that kind. He believed that the noble Lord the Member for the City of London, and the majority of that House, wished to put an end to the evils of the present system. He wished them, then, to adopt a system which had worked well in another country. He solemnly declared that he thought the dignity of that House was at present lowered, and the character of representative institutions damaged, not only in this country, but throughout the world; and if they did not wish to appear hypocrites in the face of the country and of the world, it became hon. Members either to point out a remedy as good as that of the hon. Member's for Bristol, or to vote for the introduction of this Bill in order that it might be sent to the other House of Parliament.

Captain KNOX said, in reference to what the hon. Member for Manchester had stated as to his father's tenants, he would challenge the hon. Member to prove his assertions—namely, that those tenants were visited by any annoyance, or were harassed on account of their votes.

Lord EDWIN HILL said, he must deny *in toto* what the hon. Member for Manchester had stated in regard to the Rev. William Ford being an exile, or driven away from some cause, as he had insinuated.

Mr. BRIGHT explained. He said, that the Rev. Mr. Ford was reported to have been absent from home in consequence of pecuniary embarrassments.

Lord EDWIN HILL said, that with regard to the Rev. Mr. Ford, he was a gentleman in possession of property to the amount of about 7,000*l.* a year, and a more honourable man and a better landland never existed. With regard to the gentleman bringing his tenants into a court yard, and ordering them to vote for him (Lord E. Hill) and his Colleague Mr. Ker, the statement was utterly untrue. He would suggest to the hon. Member the propriety in future of getting up his facts a little better. With regard to the Marquess of Londonderry, he thought that the delicacy of the House was somewhat shocked by the observations which were made by the hon. Member. He could state that the Marquess of Londonderry wished to bring forward some other candidate besides Mr. Ker, for his Lordship did not like Mr. Ker. His Lordship, therefore, brought forward Mr. Stewart; but Mr. Ker and himself (Lord E. Hill) were returned in spite of the Marquess of Londonderry. So far it appeared that the ballot was not necessary for the county of Down. In respect to Major Waring, he was a strong Protestant, and was called a King William's man. [Mr. Bright: I did not know that fact.] Then the hon. Member knows it now. He stated it as a fact, that the Catholic priests exercised more power in the elections in Ireland than any of the landlords under heaven in Ireland. He (Lord E. Hill) was himself denounced from the altar by the priests. He would also inform the hon. Member that Mr. Sharman Crawford was prosecuted for libel by the Rev. Mr. Ford, and twenty-five other landlords of Down. What was the result? Why, that Mr. Crawford cried *peccavi*, made an ample apology, and paid all the costs of the proceedings at law.

Lord JOHN RUSSELL: Sir, after the speeches which have been made by my right hon. Friend the Secretary at War, and by my right hon. and learned Friend the Lord Advocate, I should hardly have thought it necessary to say anything upon this subject, had not my personal conduct been misrepresented, unintentionally no doubt, by the hon. Gentleman who brought forward this Motion. That hon. Gentleman thought fit to represent, that while I held very popular language in opposition, I had, when in office, changed my course upon this subject, and taken a different view of it. Now the fact is, that the speech which the hon. Gentleman alluded to was made in the month of July last, previous to my election for the City of London. I had spoken in this House against the ballot a few weeks before, and when I was asked at a large meeting in Guildhall what course I should take upon this question, I stated I should vote against the ballot, and I gave my reasons to that numerous assembly, which meets in Guildhall upon such occasions, against the secret voting that the hon. Gentleman now proposes. It was not, therefore, as the hon. Gentleman supposes, when I accepted office, but at the time of the last election, that I stated my intention of voting, as I have constantly done, against this secret mode of voting. Sir, it appears to me—and I stated that principle to my constituents at the time—that the foundation upon which the question rests is a foundation entirely contrary to that on which the hon. Gentleman the Member for the West Riding (Mr. Cobden) raises his argument upon the present occasion. The hon. Gentleman says that no man has a right to inquire how another man votes. The principle which I stated was, that this is a public trust, and that every man who exercises that public trust, exercises it subject to the opinion and judgment of all his fellow-citizens. Sir, be it remarked that the hon. Gentleman proposes no change with regard to the suffrage—

Mr. COBDEN: I beg the noble Lord's pardon, but I go much further than that.

Lord JOHN RUSSELL: I mean the hon. Gentleman who has brought this Motion forward. That hon Gentleman has proposed this Motion as a change by itself. My hon. Friend the Member for Montrose, as we all know, complains of the very limited number who have the right to vote, and proposes the ballot in connexion with some other measure; but, by the proposition before the House, the hon. Member for Bristol proposes that those who have the right to vote, shall exercise that right without any of their fellow-citizens knowing how it is exercised. Now I say this is contrary to the principle which prevails with regard to all our other institutions, and is contrary also to the general principles of the constitution. I have heard it said—I have seen it written—that to declare that every person shall have the right of judging of the manner in which this trust is exercised, is, in fact, saying that they are themselves qualified to vote. Sir, I hold that that argument has no force in it, because we might as well say that no one can criticise the conduct of a judge, or the verdict of a jury, unless he is qualified to sit as that judge, or to give the verdict of that jury; or we might with equal justice say that no one is qualified to criticise any work unless he is himself qualified to write it. In fact it seems to me that, until the suffrage is made to extend to every one, the people of this country have the right of exercising their judgments upon the mode in which the votes of individuals are given; and I hold the fair and legitimate exercise of public opinion to be a most wholesome check in our electoral system. But, Sir, I hold, besides this, that the enactment of a secret mode of voting would, as my right hon. and learned Friend the Lord Advocate has justly argued, be hostile to the spirit of liberty in this country. The spirit of liberty has grown in this country by the patriotism, by the boldness, and by the courage with which men have stood forward and shown themselves ready to make sacrifices on behalf of their opinions, and of the Government which they wished to establish. From the day when Sir John Elliott allowed himself to be imprisoned—an imprisonment which resulted in his death—to the day when Sydney was willing to be condemned, and, with unquickened pulse, braved the verdict of an adverse and a packed jury, men were ready to sacrifice their lives, and were willing at any cost to establish the principles of liberty which they espoused. But, Sir, if you depart from these principles—if you say that men are to exercise secretly any of the public trusts of this country, and that they shall be safe and harmless whatever may be their conduct—you do that which endangers liberty, and you introduce a spirit directly opposite, a spirit of skulking from the responsibility attached to such a trust. I will not now go into the argument with regard to foreign Governments; with one exception, to which the hon. Gentleman the Member for Manchester (Mr. Bright) has alluded—and it is certainly worthy of remark, because we have often heard that the example of the United States of America, no doubt a great and free country, was one which we ought to imitate—we cannot find this secret mode of voting anywhere established in any system of government. Now, Sir, if it shall appear that some of the American States themselves have great doubts with respect to this institution—have great doubts with regard to the value of secret voting—then I think that is an argument for us to pause, at least, before we adopt a plan which they have been for a long time trying, but upon which they do not appear to have decided favourably. The hon. Gentleman the Member for Manchester has, I believe, truly stated that in the State of Massachusetts the ballot has been for a long time established; but the law which established the ballot said that the name of the voter was to be written upon a paper, open and unfolded. There was no secrecy whatever about the vote that was thus given. It was a mode of voting different from ours, but a mode which did not imply secrecy, which did not practically carry secrecy with it, and therefore in principle resembled our mode of voting rather than the secrecy which it is proposed to establish. About a couple of years ago the party which had a majority thought there were such abuses and such intimidations that it was necessary to establish secret voting. A great party opposed this change. It was carried; but within one year after it was carried, there was a majority of 107 votes—the ayes being 114 to 7—against it. The hon. Gentleman says there has since been a convention, and a majority of that convention is in favour of this secret plan, and will make it a part of the constitution of the State. That may be, but we have no security with regard to it. What we know is, that after the secret ballot, which is the ballot that the hon. Gentleman proposes to establish, had been tried for a year in that noble and free State of Massachusetts, it was abandoned by a large majority; and that majority I may say contains some of the most distinguished men, and was supported by the opinions of some of the most patriotic, most learned, and most eminent men in the State. Well then, Sir, all I argue from this is, not that the State of Massachusetts may not finally establish secret ballot, but that at least it is a matter of consideration among them, and that one party at least, having this year a majority in the Legislature, refused to agree in that secret ballot, and decided it should be abolished. My right hon. Friend the Secretary at War has stated that the Governor of New York has declared openly that bribery and corruption are making great advances in that State, and that it is an evil which requires to be checked by new laws. Why, Sir, can any man any longer state that for bribery and intimidation he has a perfect and infallible remedy in the ballot, when you have such accounts from the United States of America, where it was said to have been successful? All I say is, not that America will finally have recourse to open voting—although an old patriot of America, Mr. John Randolph, said that secret voting if it did not find a nation scoundrels would make them scoundrels—not that the United States may not for awhile think of adopting some law for secret voting; but what I believe is that they will not persist in that law, and that, as hitherto, the practice in the whole of the States will eventually be one of open voting. Well, then, if that is the case—if in fact we have no example either in ancient or modern times of this mode of secret voting being successful—the only instance of its partial success being in the Republic of Venice, where it led to the establishment of a despotism—if that is the case, I say at least let us pause—let us feel that we have some sure foundation, and that this is an efficient remedy—and, in the meantime, let us retain a mode of voting which has been consistent and compatible with all that is noble, all that is manly, and all that is free in our institutions.

LORD DUDLEY STUART moved the adjournment of the debate.

LORD JOHN RUSSELL said, he must appeal to the noble Lord not to persist in his Motion for adjournment.

MR. W. WILLIAMS said, he hoped the noble Lord would persist in it. The question was one of vast importance, and Members representing large constituencies should have an opportunity of expressing their sentiments.

Motion made and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 65; Noes 329: Majority 264.

Main Question put.

The House *divided*:—Ayes 172; Noes 232: Majority 60.

List of the Ayes.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, Sir J.
Atherton, W.
Ball, J.
Barnes, T.
Bass, M. T.
Bell, J.
Berkeley, hon. C. F.
Berkeley, C. L. G.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Blake, M. J.
Bland, L. H.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Butler, C. S.
Byng, hon. G. H. C.
Caulfield, Col. J. M.
Challis, Ald.
Chambers, M.
Chaplin, W. J.
Cheetham, J.
Clay, Sir W.
Cobbett, J. M.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Collier, R. P.
Corbally, M. E.
Cowan, C.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Divett, E.
Duffy, C. G.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Ellice, E.
Esmonde, J.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Ferguson, J.
Fitzgerald, J. D.
Forster, C.
Forster, J.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gardner, R.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Hadfield, G.
Hall, Sir B.
Hastie, A.
Hastie, A.
Headlam, T. E.
Hindley, C.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Keating, R.
Keating, H. S.
Kennedy, T.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Laing, S.
Langston, J. H.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lee, W.
Locke, J.
Loveden, P.
M'Cann, J.
MacGregor, J.
M'Taggart, Sir J.
Magan, W. H.
Mangles, R. D.
Marjoribanks, D. C.
Marshall, W.
Massey, W. N.
Meagher, T.
Miall, E.
Milligan, R.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Moore, G. H.
Morris, D.
Murphy, F. S.
Murrough, J. P.
Norreys, Sir D. J.
O'Brien, P.
O'Connell, M.
O'Flaherty, A.
Osborne, R.
Paget, Lord A.
Paget, Lord G.
Pechell, Sir G. B.
Peel, Sir R.
Pellatt, A.
Phillimore, J. G.
Phinn, T.
Pigot, F.
Pilkington J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Potter, R.
Price, W. P.
Ramsden, Sir J. W.
Ricardo, O.
Robartes, T. J. A.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Scully, V.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Sheridan, R. B.
Smith, J. B.
Stanley, hon. W. O.
Strutt, rt. hon. E.
Stuart, Lord D.
Sullivan, M.
Swift, R.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Villiers, rt. hon. C. P.
Vivian, J. H.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.

TELLERS.
Berkeley, H.
Shelley, Sir J.

List of the Noes.

Acland, Sir T. D.
A'Court, C. H. W.
Annesley, Earl of
Anson, Visct.
Archdall, Capt. M.
Bagge, W.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Beaumont, W. B.
Beckett, W.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blair, Col.
Boldero, Col.
Bramston, T. W.
Brisco, M.
Bruce, Lord E.
Bruce, C. L. C.
Bruce, H. A.
Burrell, Sir C. M.
Burroughes, H. N.
Butt, I.
Cabbell, B. B.
Cairns, H. M.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Cavendish, hon. C. C.
Charteris, hon. F.
Chelsea, Visct.
Child, S.
Clinton, Lord R.
Clive, hon. R. H.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Crowder, R. B.
Davies, D. A. S.
Davison, R.
Denison, E.
Denison, J. E.
Dent, J. D.
Dod, J. W.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duncombe, hon. W. E.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Elliot, hon. J. E.
Elmley, Visct.
Emlyn, Visct.
Euston, Earl of
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Ferguson, Sir R.
Filmer, Sir E.
Fitzwilliam, hon. G. W.
Floyer, J.
Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Gaskell, J. M.
George, J.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Gore, W. O.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, Lord C.

Hanbury, hon. C. S. B.
Hanmer, Sir J.
Harcourt, G. G.
Harcourt, Col.
Hardinge, hon. C. S.
Hawkins, W. W.
Hayter, rt. hon. W. G.
Heard, J. I.
Heathcote, G. H.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Hildyard, R. C.
Hill, Lord A. E.
Hogg, Sir J. W.
Hotham, Lord
Howard, hon. C. W. G.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Jones, Capt.
Jones, D.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Legh, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Lovaine, Lord
Mackie, J.
M'Gregor, J.
Manners, Lord G.
Manners, Lord J.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Michell, W.
Moncreiff, J.
Montgomery, H. L.
Montgomery, Sir G.
Moore, R. S.
Morgan, O.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Owen, Sir J.
Pakenham, E.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Parker, R. T.
Peel, F.
Percy, hon. J. W.
Philipps, J. H.
Phillimore, R. J.
Portal, M.
Portman, hon. W. H. B.
Powlett, Lord W.
Pritchard, J.
Pugh, D.
Robertson, P. F.
Rolt, P.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sanders, G.
Sawle, C. B. G.
Seymer, H. K.
Shelburne, Earl of
Smith, M. T.
Smyth, R. J.
Smollett, A.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stafford, Marq. of
Stanhope, J. B.
Stephenson, R.
Stirling, W.
Stuart, H.
Sturt, H. G.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Turner, C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vane, Lord H.
Vernon, G. E. H.
Villiers, hon. F.
Vivian, J. E.
Vyvyan, Sir R. R.
Waddington, H. S.
Walcott, Adm.
Walsh, Sir J. B.
Walter, J.
Wellesley, Lord C.
West, F. R.
Whitbread, S.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wortley rt. hon. J. S.
Wyndham, W.
Wynne, W. W. E.
Young, rt. hon. Sir J.

TELLERS.
Buller, Sir J. Y.
Lennox, Lord A.

DURHAM ELECTION PETITIONS.

Mr. BENTINCK said, he would now beg to nominate the Members of the Select Committee to inquire into the Durham Election Petitions.

Motion made, and Question proposed—

"That the following Members be Members of the Select Committee on the Durham Election Petitions:—Mr. Bentinck, Colonel Biddulph, Mr. Fellowes, Mr. Robert Phillimore, and Mr. Isaac Butt."

Mr. HUTT said, he objected to the list because there was not one Member on it, with the exception of Mr. Fellowes, who had been a Member of the House for more than twelve months. He should, therefore, move as an Amendment, that the Committee of Selection should be instructed to name five Members to inquire into the Durham Election Petitions.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it be an Instruction to the General Committee of Elections to select a Chairman and four other Members to be the Select Committee on the Durham Election Petitions.'"

Sir JOHN TROLLOPE said, the Amendment was not in accordance with the Act of Parliament, which determined the functions of the Committee of Selection, and he, as Chairman of it, was opposed to such a duty being devolved on it. Very dangerous and disagreeable precedents would be created if the present inconsistent proceedings with regard to Election Committees were continued.

Mr. MITCHELL said, he thought the House ought to deal with this case as that of Berwick had been dealt with.

Mr. NEWDEGATE said, he should support the nomination of the Committee.

Sir BENJAMIN HALL said, he thought it would be best to accede to the proposition of the hon. Member for Gateshead (Mr. Hutt).

Mr. BENTINCK said, he had supposed the course he proposed to be the right one; but as the composition of the Committee did not seem to meet the approbation of the House, he was quite willing to accept the Amendment which had been moved.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Power to Committee to send for persons, papers, and records.

The House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Wednesday, June 15, 1853.

MINUTES.] PUBLIC BILL.—2° Sale and Purchase of Land.

ELECTIONS BILL.

Order for Committee read. House in Committee.

Clause 1. (The election in counties to be not later than the 10th, nor sooner than the 6th day after the sheriff's proclamation.)

SIR GEORGE GREY said, he wished the hon. and learned Member for Weymouth to explain the nature and object of this clause.

MR. G. M. BUTT said, the present law in respect to the election for counties was that of the 25 *Geo.* III., c. 84, passed in the year 1785. By that Act it was provided that the sheriff of any county, within two days after the receipt of the writ, should make proclamation for holding a county court for proceeding to an election not later than the sixteenth, nor sooner than the tenth, day after the proclamation. The alteration which he, by this Bill, proposed to make was, that the county court should be held not later than ten days, nor sooner than six days, after the proclamation; thus substituting for sixteen days ten days, and for ten days six days. That, he presumed, would be a sufficient explanation to the right hon. Baronet.

SIR GEORGE GREY said, that this clause appeared to be re-enacting that which was already the existing law of the country. He thought the hon. and learned Gentleman ought first to repeal the existing, and then enact the proposed, alteration; otherwise there would be two existing laws upon the same subject. He thought the alteration for diminishing the time between the proclamation and the day of election for counties was very reasonable, and that there would be a great advantage in adopting it.

MR. G. M. BUTT said, he had not carried the Bill to the full extent of his own views on the subject, because he considered that the matter must come under the consideration of Parliament again when the Parliamentary Reform Bill, which was expected from the noble Lord the Member for the City of London, should be introduced.

MR. FREWEN said, he was of opinion that the sixth day after issuing the writ was too soon for the election to take place, except in case of a general election, as the time was not sufficient for the consideration of the constituency. He should move an Amendment to that effect.

MR. EVELYN DENISON said, he would submit to the hon. and learned Gentleman opposite whether the reason he had given for not going as far as he thought proper—namely, the expected introduction of a Reform Bill, was not a reason equally good for postponing the Bill altogether. He put it to the House, and to the hon. and learned Gentleman, whether it was right to make such small changes, and to introduce piecemeal schemes of legislation, the only effect of which must be to create perplexity and confusion.

MR. AGLIONBY said, he could not assent to this view of the subject. He did not see any immediate prospect of a Reform Bill, and still less of any that would be satisfactory. The best way would be to pass small measures when it was possible. The Bill was brief certainly, but beneficial.

MR. MALINS said, he was sorry to see the small confidence placed by hon. Members opposite in the promises and professions of the leaders of their party. He was of opinion that the alteration now proposed could better be carried out in a general Bill.

MR. G. M. BUTT said, the clause had met with the approbation of the noble Lord opposite (Lord John Russell) so long ago as before the Easter recess, and it had then been suggested to him to introduce a distinct Bill on the subject. He had done so, and had stated the nature of the measure on the proper occasion. As to there being no complaints against the present system, he could say he had received a great many communications to the effect than the change he proposed was desirable, and that the old law of 1785 required alteration and amendment.

SIR GEORGE GREY said, he did not object to the principle but to the form of the change, and thought the clause ought to be limited to simply reducing the number of days in the old Act. It would be better, in his opinion, to repeal the old Acts altogether, and then to bring in a new Bill, than to incur the risk of confusion by amending the words of the clauses of former statutes.

MR. ROBERT PALMER said, that it appeared to him, if the sheriff of a county fixed a county election at the shortest period after the receipt of the writ named by this Bill, and the mayor of a borough at the longest, the two elections might clash.

Mr. G. M. BUTT begged to explain that the Bill so reduced the number of days within which a borough election must take place, that it would render this impossible.

Mr. FREWEN said, that he would not press the Amendment of which he had given notice, but would move that the blank should be filled up with twelve days instead of ten.

Mr. HUME said, he thought it would be better to postpone all legislation on this subject until Her Majesty's Government introduced that general measure of electoral reform which they had promised. If, however, that did not meet the assent of the hon. and learned Gentleman and the Committee, he thought it would be better to repeal the present Act, and then enact another, dealing with the whole subject, than merely to amend the present law, and thus have one Act referring to another, which would very likely lead to difficulty and confusion.

Captain SCOBELL said, he must oppose the postponement of legislation on this subject. The measure of general electoral reform promised by the Government might not pass, or, at all events, without a general election; and in the latter case it would be of great advantage that this Bill, which would save much expense, should have been passed previously.

Mr. VERNON SMITH said, he also would press the withdrawal of the Bill, as it was clearly the opinion of the Committee that the whole of this subject should be treated in one Act. If the Bill was pressed, there would be still greater objection to the second clause than to the first. The second clause proposed to diminish the notice to be given of a borough election from three days to two—a piece of infinitesimal legislation at which he was certainly surprised.

Mr. G. M. BUTT said, he could not consent to withdraw the Bill. It would be of very great importance to pass the clauses in it, and he did not think this was the way to treat a measure to which there was no specific objection, and which every one acknowledged would introduce a very beneficial alteration in the law as it now stood. He had pledged himself to Members for counties, and other hon. Gentlemen, to bring in the Bill, and, after having done his best to make it a perfect measure, he trusted the Committee would be of opinion that there was no reason why they should not, without waiting for future legislation on the subject, pass a short law, which would limit, as he proposed to do, the expense of elections in counties, and which would confer a great benefit with respect to the Universities. Being ready to make any and every alteration which would improve the Bill, he must therefore respectfully press upon the Committee that it was his duty to go on with the measure.

Lord SEYMOUR said, the Committee were agreed as to the principle of the measure; but, if they were to keep to the old Bill, they ought to keep to the old words, as otherwise great confusion might arise. Perhaps the hon. and learned Member would not object to postpone the clause for the present, with the view to bring it up in an amended shape.

Mr. G. M. BUTT said, he was ready to accede to that suggestion.

Clause postponed, together with Clause 2.

Clause 3 (which enacts that the polling at elections for the Universities of Oxford and Cambridge is to continue for five days),

Lord SEYMOUR begged to ask the hon. and learned Member, whether it would not be better that the writ for a borough should be sent direct to the returning officer instead of being first sent to the sheriff of the county, the only effect of which was to render necessary the payment of certain fees to the sheriff or his deputy?

Mr. G. M. BUTT said, he had intended to introduce a clause in order to meet that objection, and would attend to the suggestion of the noble Lord.

Mr. HUME said, it was against the principle ordinarily laid down that the writ should not be sent to the sheriff in the first instance. He thought the borough writs should be sent to the sheriff of the country, because there might be different borough elections in one county, and the sheriff should be enabled to make arrangements in such a way that no inconvenience should arise in holding the different borough elections. With regard to the expense, the sheriff was not warranted in charging a shilling; and nine-tenths of the charges made by the sheriffs were altogether illegal.

Mr. ROBERT PALMER said, it was the returning officers of the different boroughs who appointed the day of election, and not the sheriff, and therefore it would be an advantage that the writ should be sent at once to the returning officer.

Clause *negatived.*

Clauses 4 and 5 *agreed to.*

Mr. G. M. BUTT then brought up the following new clause:—

> "That the nomination of a Member or Members to serve in any future Parliament for the Universities of Oxford and Cambridge respectively, shall take place on such day as shall be fixed by the Vice Chancellor thereof, being not sooner than six nor later than twelve days after the writ shall have been received by such Vice Chancellor."

Mr. WIGRAM said, he objected that the clause did not give sufficient notice of polling. He would suggest, therefore, that on the day of nomination notice should be given of the days of polling. He would also recommend that, instead of twelve days, the time should extend to fourteen days, in which case it would be impossible for the Vice Chancellor to make his arrangements so that the nomination should not interfere with the duties of any particular week—when the senate-house, for instance, might be otherwise required.

Clause, as amended, *agreed to.*

Mr. G. M. BUTT said, he would now beg to introduce the following clause:—

> "That at every contested election of a Member or Members to serve in any future Parliament for the said Universities respectively, the polling shall commence on such day as shall be fixed by the Vice Chancellor thereof, being not sooner than six nor later than twelve days after the day of nomination; and such polling shall continue for five days only, such five days to be successive days in one week, and shall open at nine of the clock in the forenoon, and close at five of the clock in the afternoon of each day; provided always, that if Christmay-day or Good Friday shall happen to fall during the week fixed for such polling, such day shall not be reckoned as one of the five days for such polling; but the poll shall be adjourned from the day preceding to the day following such day, and shall then proceed as if such day had not intervened."

Sir GEORGE GREY said, he wished to call attention to the great length of time that might elapse before the election was concluded. Twenty-six days might pass over before the election began, and the five days for polling would extend the time to a month, so that if a Member for the Universities took office, an entire month might elapse before he could again take his seat in the House.

Sir ROBERT H. INGLIS said, he must remind the right hon. Gentleman, that under the existing law the polling might be kept open for fifteen days; and he begged to say that if the Committee would take into consideration that the constituent bodies of Oxford and Cambridge Universities were dispersed over every part of the Queen's dominions—some of them residing at a distance of 300, 400, and 500 miles—it would not deem that too great a latitude had been extended to them.

Sir GEORGE GREY said, that they had had a recent instance of the extent to which proceedings of this kind might be protracted, and he thought that a fortnight, instead of a month, would be sufficient time; but if the Members for the Universities did not object to the proceedings being protracted, he would not press his objection.

Clause *agreed to.*

Mr. WIGRAM said, he would suggest that the Vice Chancellor should have the power to keep open the poll beyond five o'clock, in order to meet the convenience of barristers and other parties resident in London, whose business detained them from appearing early at the poll. The last time that he had exercised his privilege as an elector of the University of Cambridge was on the occasion of the contest for the Chancellorship; and were it not that the Vice Chancellor kept the poll open until half-past eight o'clock, neither he nor many other persons residing in London would have been able to exercise their right.

Mr. BECKETT DENISON said, he thought that if the Vice Chancellor was vested with a discretionary power, that it might very frequently place him in an awkward position, as he might be subject to imputations of acting under party influences; it would be much better, therefore, to substitute a fixed hour.

Mr. LABOUCHERE said, he must complain that on the last election for the University of Oxford, he had gone down from London to register his vote, but on his arrival he found the polling adjourned, or the Vice Chancellor had gone to luncheon. Now, though he should be sorry to put the Vice Chancellor to any inconvenience, he would suggest that the poll should, on the occasion of a contested election, be always kept open.

Mr. G. M. BUTT thought that if power were given to the Vice Chancellor to close the poll at a particular hour, it might give rise to a good deal of ill-feeling and imputations.

Mr. R. PHILLIMORE said, after the experience of the late election for the

University of Oxford, and after the great disgrace and detriment which had accrued to it in the eyes of moderate men of all parties, from the protraction of the contest, it was quite evident that there was great weight in the observation of the right hon. Baronet the Member for Morpeth (Sir G. Grey), and there was also great weight in the objection that the Vice Chancellor should not be subjected to the imputation of having been influenced by party tactics. He would suggest, therefore, that the words "not earlier than four or later than six," should be substituted.

Mr. WIGRAM said, he was quite sure that on one occasion he as well as many others would not have been able to exercise the franchise at Cambridge, if the poll had not been kept open until half-past eight o'clock. He had no apprehension that injurious consequences would follow from giving the discretionary power to the Vice Chancellor.

Mr. MILES said, he believed that the difficulty of the case would be met by giving the Vice Chancellor a discretionary power to order that on certain days of the week, to be mentioned on the nomination day, the poll would be kept open up to a later hour than five o'clock, for the convenience of barristers and others who could not attend earlier.

Sir GEORGE GREY said, he would suggest the introduction of a provision by which the returning officer would be authorised to close the poll at any previous time in the day, on the consent of the candidates and their agents. It was quite possible that in some cases before the first day of polling was over, one of the candidates might desire to withdraw altogether; and unless such a proviso as he proposed was introduced, the Vice Chancellor would not feel himself at liberty to close the poll.

A proviso to the effect suggested was *agreed to.*

Clause *agreed to*

Mr. G. M. BUTT then proposed the addition of the following clause:—

> "That at every such election the Vice Chancellor shall have power to appoint any number of pro-Vice Chancellors, any one of whom may receive the votes and decide upon all questions during the absence of such Vice Chancellor; and such Vice Chancellor shall have power to appoint any number of poll clerks and other officers, by one or more of whom the votes shall be entered in such number of poll books as shall be judged necessary by such Vice Chancellor: provided always, that no vote shall be entered in more than one poll book."

Sir GEORGE GREY said, he wished to call attention to the concluding lines of the clause, "Provided always that no vote shall be entered in more than one poll-book," and submitted that if the object was to prevent voters in the Universities from voting several times, it could be attained by substituting for those words the question now put to the voters in other places, namely, "Have you polled before at this election?"

The words objected to were struck out, and the clause, as amended, *agreed to.*

Captain SCOBELL moved the addition of the following clause:—

> "That no poll at any such election shall be taken at any inn, hotel, tavern, public-house, or other premises licensed for the sale of beer, wine, or spirits, or in any booth, hall, room, or other place directly communicating therewith, unless by consent of all the candidates, expressed in writing."

Mr. FITZROY said, he would suggest the omission of the words, "unless by consent of all the candidates, expressed in writing."

Mr. ROBERT PALMER said, though approving of the clause, there might be this difficulty arising out of its adoption—that in some cases, of which he knew, where the poll was at present taken at a town-hall, the lower part of which was actually used as a public-house, the town-hall could no longer be used as a polling place.

Mr. LABOUCHERE said, he thought inconvenience might arise in many cases by the omission of the words in question.

Mr. BECKETT DENISON said, if those words were retained, the clause would be entirely inoperative, for he could fancy candidates giving their consent to the poll being held in almost every place intended by the clause to be prohibited.

Clause *agreed to.*

House resumed; Committee report progress.

LEASING POWERS (IRELAND) BILL.

Order for Committee read.

Mr. T. DUNCOMBE said, he rose to order. He begged to submit that this was a Government Bill to all intents and purposes, and it had, therefore, no right to take priority of the Bills of independent Members. The Bill had been introduced by the Attorney and Solicitor General of the late Government. Their names, together with the name of the noble Lord the Secretary for Ireland under the late Government, were on the back of the Bill. He believed that the present had adopted it. He, therefore, maintained that it should be postponed until the other Bills of independent Members were disposed of. As he should like to have the opinion of Mr. Speaker upon the question, he should move that the Bill be postponed until the other Orders of the Day were disposed of.

SIR JOHN YOUNG said, he would have cheerfully admitted that this Bill was a Government Bill, if to him had belonged the great credit which was eminently due to his right hon. and learned Friend opposite, the late Attorney General for Ireland (Mr. Napier), for the great labour and pains which he had bestowed on its preparation. But he denied that it was a Government Bill in the ordinary sense of the term.

MR. NAPIER said, he had projected the Bill long before he had had any connexion with the late Government. When he became connected with the late Government, he felt, no doubt, the same interest in it. He thought that the measure should be treated as one that had been substantially projected by a private individual.

MR. T. DUNCOMBE said, he would ask the right hon. and learned Gentleman, whether, if he were still in office, he would persevere in pressing forward this Bill on a Wednesday?

SIR GEORGE GREY said, that inasmuch as the right hon. and learned Gentleman the Member for the University of Dublin could not now command any of the Government days, he (Sir G. Grey) would advise him to give up the Bill altogether if he were prevented going on with it on a Wednesday.

MR. T. DUNCOMBE said, he should like to have the opinion of the right hon. Gentleman the Speaker, as to whether this should be considered a Government Bill or not?

MR. SPEAKER said, that he would give the hon. Member an answer if he put a question directly to him. But the hon. Member had put a question to the House in the shape of an Amendment.

MR. T. DUNCOMBE said, he would prefer taking the opinion of the right hon. Gentleman upon the question as to whether this was or was not a Government Bill.

MR. SPEAKER said, his opinion was, that the Bill, though at first introduced by a Member of the late Government, should now be considered as one belonging to a private individual.

House in Committee; Clauses 1 to 4 *agreed to.*

COLONEL DUNNE said, he objected to the power given to the receiver under the Court of Chancery to make leases without the consent of the owner, or some one acting for him. He proposed, therefore, that there should be given the consent of the owner, or of the next in remainder, or guardian duly authorised to act for them in cases of lunacy or infancy.

MR. ROSS MOORE said, by the clause as it then stood, a creditor who got into possession of an estate which had been mortgaged or incumbered, might, by virtue of an elegit or otherwise, saddle the property with a lease, although he might be paid off the very day after. He would, therefore, beg to move the addition of a proviso with the view to prevent such an event taking place.

MR. NAPIER said, he would suggest, that, as he had had no notice from his hon. and learned Friend that he would move such a proviso, it had better be deferred until the Motion for the third reading of the Bill.

MR. ROSS MOORE said, he was ready to accede to the suggestion of the right hon. and learned Gentleman.

MR. CONOLLY said, he thought a distinction ought to be drawn between the owner and the receiver acting on the part of the owner.

MR. NAPIER said, there was this restriction in the case of a receiver, that he was subject to the control of the Receiver Master in the Court of Chancery.

MR. FITZSTEPHEN FRENCH said, he did not see the use of the clause at all. It was on the part of the owners of property that he made this objection. They had the Encumbered Estates Act at work; and now the right hon. and learned Gentleman proposed that the receivers in the Court of Chancery should be competent to give leases, when it was universally admitted that they were totally incompetent for the discharge of such duties.

VISCOUNT MONCK said, he took a different view of the question to that of the hon. Member for Roscommon (Mr. French), and in doing so he thought he was representing the interests of the community at large.

MR. MACARTNEY said, the clause

ought, in the first instance, to have been well considered by persons who were acquainted with the management of property in Ireland, where usually the greatest difficulty was experienced in managing it by guardians or receivers. For his part, he was disinclined to entrust to any receiver of the Court of Chancery the powers which the clause under discussion proposed to confer. He was certain he could not do so without inflicting incalculable injury.

Mr. J. D. FITZGERALD said, that upon the Committee to whom the Bill had been referred there were noblemen and gentlemen of great experience in the management of property in Ireland; and it must not be forgotten that every lease to be executed under the powers of the Bill would be granted upon the best value that could be obtained without a fine. The object of the measure was to provide for an emergency, and to work out a great public good; and the receiver master would act but as the agent of the parties most interested.

Mr. GEORGE said, he approved of the suggestion made to omit the clause, which he regarded as being in direct opposition to the policy and practice of the Encumbered Estates Court. In his opinion, it would be better to carry out the law, and force every encumbrancer, not only to go into the Encumbered Estates Court, but to convert his encumbrance into a greater or lesser number of acres of the estate, thus giving him a legitimate power to make leases of the property. His objections to the clause were—first, that very frequently the receiver was a person of no station; and next, that the machinery for procuring the grant of a lease from the Court of Chancery was of a very complicated nature.

Sir JOHN YOUNG said, there might be objections to the clause, but he hoped it would not be omitted. There was no doubt that receivers in Ireland had often acted ruinously to estates, but that was from want of the power given by this clause.

Mr. WHITESIDE said, the Bill was framed on the principle that the person in possession should make the lease, whether it was the encumbrancer or the receiver. The receiver could only make the lease with the consent of the Receiver Master; and it was proposed, also, to limit, in some way, the power of the encumbrancer. He was not surprised at his right hon. and learned Friend's attention being called to this point; and he thought the Committee should be satisfied with the promise that it would receive his consideration.

Mr. Macartney

Mr. CONOLLY said, that if the clause were retained in the Bill, it ought to be very much modified; for, as it stood, it would tend to introduce a system of tenancy which could never be approved of by the real owner, and would act very prejudicially to the estate.

Colonel DUNNE said, he was of opinion that the owner of the property ought to have a voice in the matter, and that where a lease was granted, it should be done with the joint consent of the owner and the person in possession.

Mr. I. BUTT said, it was true that under the clause a lease could not be made at less than the best rent that could be received. But let the Committee see what discretion was to be vested in the person making the lease. For agricultural purposes, he might grant a lease for any term not exceeding thirty-one years; improvement leases for sixty-one years; mining leases for forty-one years; and building leases for ninety-nine years. And it struck him that this was a power which ought not to be given to an encumbrancer entering into possession. Why, any person who obtained a judgment against the owner of an estate for but one year's value of it might enter into possession; and what might he then do? He might grant a mining lease for forty-one years; a building lease for ninety-nine years; an improvement lease for sixty-one years; or an agricultural lease for thirty-one years. And was it right, he asked, that such discretion should be placed in the hands of a man who could not by possibility be more than one year in possession? Unfortunately, too, there would be no power in any Court to control him; and the owner would have to stand quietly by and see all this done without the means to prevent it. In his opinion it was a most objectionable principle of legislation. In conclusion, he would beg to move the insertion of words restraining the encumbrancer from granting a lease, except with the consent of the owner.

Mr. NAPIER said, he did not see why the encumbrancer, in receipt of the rent and in the position of owner, should be deprived of the power of dealing beneficially with the property. He expressed his readiness, however, to consider all suggestions, with the view of deciding whether something might not be done to meet the objections entertained to the clause in its present state.

Mr. MALINS said, as the clause at present stood, it conferred leasing powers upon any encumbrancer, however small in amount, or short time in possession; and the owners of land would very naturally look upon such powers with very grave apprehension. Now, if an encumbrancer had been in possession for a considerable portion of time, it would afford this evidence—that the owner of the estate was either unwilling or unable to redeem. If unwilling, it showed that he considered the property of no value to him; and if unable, the encumbrancer ought to be looked upon in the position of owner; and the interests of society required that the person in possession of an estate should have all the incidents of ownership in the management of that estate. He begged, therefore, to suggest, whether a qualification might not with advantage be introduced into the clause, to the effect that the powers proposed to be conferred upon the encumbrancer should be exercised only where he had been in possession for the space of, say three years.

Mr. VINCENT SCULLY said, he was convinced that in those cases where the owner had so encumbered his property as to retain a merely nominal interest, the power of withholding his consent would be abused. He preferred vesting the power in the Court of Chancery.

Mr. CAIRNS said, if they waited until the owner and encumbrancer concurred in granting a lease, he feared that, in a great many cases, which they desired to provide for, they would have to wait a long time. He would take the liberty of suggesting, that the encumbrancer in possession, who wanted to grant a lease, should give notice to the owner, with all particulars, and that at the expiration of six months, if the owner had not in the meantime taken steps either to pay off the encumbrance or prevent his making the lease, the encumbrancer should have full power to grant it. In that case, he conceived there would be no ground for complaint on the part of the owner.

Mr. G. H. MOORE said, he saw great difficulties in the way of deciding what was an improvident lease, and he considered the clause destructive to the rights of the owner.

Mr. I. BUTT said, he was anxious that hon. Members should have the opportunity of discussing the question fully; and if the clause were negatived, they would not have that opportunity on the third reading. To pass the clause as a matter of form now, with the understanding that the opportunity should be given of moving an Amendment, if necessary, upon the consideration of the Report, was, he thought, the most convenient course to be adopted. And if that were the understanding, he should withdraw his Amendment.

Mr. Serjeant SHEE said, he should support the clause, which he thought had been well considered by the Committee that had sat upon the Bill. He was for passing the clause as it stood, for if they went on talking at this rate, they would never pass the measure through the House at all.

Colonel DUNNE said, he must protest against the decision of the Select Committee being taken to bind him for a single moment. He had no confidence in that Committee, and should assert his right to discuss the question, even at the risk of detaining hon. Gentlemen; but he could not help that.

Mr. NAPIER said, he was quite ready to consider the suggestions which had been made, and to take the discussion upon bringing up the Report.

The SOLICITOR GENERAL said, the principle of the clause was this—that, under certain conditions, an encumbrancer should have the power of granting a lease; and to that principle there could be no objection. But the clause as it stood was, in his opinion, highly objectionable; for the power it conferred upon the encumbrancer was an unqualified power. He understood, however, that the right hon. and learned Gentleman (Mr. Napier) was ready to bring up hereafter, upon the Report, certain conditions and modifications, which should operate to place some limitation to the power of the encumbrancer. And subject to such a provision, the power was a very desirable one to give.

Mr. I. BUTT said, he would withdraw his Amendment, upon the understanding that the discussion should be taken upon the bringing up of the Report.

Clause *agreed to;* as were also Clauses 6 and 7.

Clause 8.

Sir ROBERT FERGUSON moved an Amendment in the first section of the clause, as regarded the retention of certain covenants in leases granted under the Bill.

Amendment proposed, in page 6, line

20, to leave out "import, and imply," and insert "contain."

Mr. NAPIER said, the Amendment pertained more to conveyancing than to common sense; and therefore it would be more for the convenience of the conveyancer if the clause were left as it stood.

Mr. M'MAHON was of opinion that all leases under the Bill should include the covenants in question.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 100; Noes 32: Majority 68.

Clause *agreed to.*

House resumed; Committee report progress.

The House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 16, 1853.

Minutes.] *Took the Oaths.*—The Lord Hawke.
Public Bills.—1ª Convicted Prisoners Removal and Confinement; Combination of Workmen; Lands Improvement Company; Incumbered Estates (Ireland) Act Continuance.
3ª Hackney Carriages (Metropolis).

CAPE OF GOOD HOPE—CONSTITUTION FOR THE COLONY.

Lord PANMURE said, that he wished to put the question to his noble Friend the Secretary of State for the Colonies (the Duke of Newcastle) of which he had given notice. By the papers lately presented to Parliament he perceived, and was glad to perceive, that a constitution had been sent out to the colony of the Cape of Good Hope, and as far as he might venture to express an opinion upon that constitution, he thought the work had been well done. Their Lordships were aware that the subject of that constitution was one that had engaged the attention of the public of this country for a considerable time, and it had given rise to disputes with respect to which he would not now enter. His present object was simply to ascertain a fact which required to be set in a proper light—because a very false impression had gone abroad with regard to the present constitution as compared with the Orders in Council which were submitted to the Colony of the Cape by the Government of which he had had the honour to be a Member. He did not intend to touch upon the charge brought against the Government of which he was a Member, of procrastination in giving the Cape colony a constitution; but, in consequence of the misrepresentations that had taken place, the public had been led to believe that the consitution recently sent out differed in material respects from the orders drawn up by Lord Grey; and he was therefore desirous of ascertaining whether there was any truth in that impression. True, the point might easily be decided by an examination of the papers that had been laid before Parliament; but the public did not generally take much trouble in reading Parliamentary papers, and would be far better satisfied with a plain and simple answer on the subject, if it were given in that House. He therefore wished to ask his noble Friend the Secretary of State for the Colonies, whether the orders which were lately confirmed by Her Majesty in Council, and which had been transmitted to the Cape of Good Hope, and now formed the Parliamentary constitution of that Colony, differed in any material respect from the orders which were transmitted to the Colony for its consideration by Earl Grey some years ago?

The Duke of NEWCASTLE said, that the answer he had to give to his noble Friend need not be long, and would certainly be very simple. Without entering into the details of all the various stages through which the subject of the constitution of the Cape had passed since 1846 up to the present time, the question of his noble Friend merely resolved itself into this, whether the Orders in Council, which had been passed on his recommendation, and upon that of Her Majesty's present advisers, differed in any material respect from the ordinances sent out by Lord Grey for the approval of the Colony, about three years ago? They were certainly somewhat different, but the alterations were not of very great importance; and, without referring to a number of minor changes, he thought the principal differences between the orders sent out on the 14th of March last, and those now sent, might be comprised within three heads. In the first place, the franchise, not as sent out by Earl Grey, but as it appeared in the Orders as he (the Duke of Newcastle) found them, was fixed at 50*l.*; but in the Orders in Council sent out to the Colony it was placed at 25*l.*

The Earl of DERBY asked whether that related to houses or land?

The Duke of NEWCASTLE: To both. The second alteration, which was one of much less importance, raised the qualification of Members of the Legislative Council from 1,000*l.* to 2,000*l.* The third, and in his estimation by far the most important alteration, was a provision to the effect that the two Houses of Legislature, with the assent of the Government of the Colony, should have the power of introducing modifications and alterations into the constitution, and that even to the extent of being enabled, subject of course to the approbation of Her Majesty, to divide the Colony into two parts—the one to form the eastern and the other the western division of the Colony, should they deem that measure advisable. These were the chief alterations; and he thought that his noble Friend would find that they were fully explained in the despatches which had been printed and laid upon the table.

OATHS.

Lord BROUGHAM *presented* Petitions from numerous places in Scotland, and from Newcastle-upon-Tyne, praying for the adoption of a measure to allow a solemn affirmation to be substituted in lieu of an oath in certain cases. The noble Lord said that the case which was stated in all these petitions, and to which he called their Lordships' serious attention, was one in every way deserving of the gravest consideration. It was known to their Lordships that various Acts of Parliament had been passed, removing by degrees the disqualification—for it amounted to that—of certain sectaries to be examined in any cause, civil or otherwise, in consequence of their conscientious scruples to taking oaths; so that at length, in respect of three sects, the Quakers, Moravians, and Separatists, not only were the members of those bodies enabled to give evidence upon affirmation in civil cases, but they were also permitted to appear as witnesses upon making affirmation in criminal cases. Subsequently an Act was passed—in his (Lord Brougham's) opinion a most proper one—extending the same privileges to all persons who had formerly been members of those sects, and had ceased to belong to them, but who still retained a conscientious objection to taking an oath. These concessions were, however, confined to those three sects, and they alone enjoyed the privilege, if their privilege it might be called, which was a duty in them and a right of the community of assisting in the administration of justice as witnesses, and performing their duty without doing violence to their conscientious religious scruples. But now, and ever since the last of the Acts of Parliament was passed touching those three sects, all others who did not belong to them remained in the same predicament of not being able to give evidence; and in respect of them the country and the administration of justice was in the predicament of losing the benefit of their testimony, because they conscientiously refused to take an oath. The consequence of this was, as the petitioners stated, and as might readily be supposed, grievous to the administration of justice. It might sometimes happen under the present law that a person might be put on his trial or brought before a police magistrate for a serious offence, and the only evidence to convict him being that of one of those respectable and conscientious persons who were unable to take an oath, the guilty man would escape, and the innocent man might be committed for contempt of court because he could not violate his conscience by swearing when his conscience told him not to do so. But it was understating the case to say that an innocent and conscientious witness might suffer imprisonment, while a guilty felon escaped; for not only might it happen, but it had happened, that an innocent man was convicted whose innocence could have been established if evidence had been suffered to be given on affirmation. He (Lord Brougham) differed from the petitioners in the extent to which their opinion went, and considered that a general abrogation of the necessity of swearing witnesses, and a general power of giving evidence on simple affirmation, would not be an expedient change to make in our practice, civil or criminal. When Lord Denman's Bill on this subject was before their Lordships in 1849, he (Lord Brougham) had taken an active part in opposing that Bill. It was the only case in which he had ever had the misfortune of differing from that most learned and venerable person, and it gave him great pain to be under the necessity of testifying that difference of opinion, and of acting upon his own judgment. The Bill was referred to a Select Committee, and the evidence taken before them only served to confirm him in the opinion he had previously entertained respecting the danger of abandoning the security afforded by oaths. They all knew what great difficulty there was in the administration of justice in getting at the truth, when a disposition existed on the part of a witness to conceal or to pervert the facts; and although the fear of temporal punishment might do much, yet he could not help apprehending that there might be many persons in the community induced to give false testimony, if an affirmation only were required of them, who would not be disposed to tell a falsehood when they felt that they were breaking their oaths. He well recollected an instance related to him by the late Lord Erskine of a witness, a female, from the northern part of the island, who was under examination. She had given the most clear and unhesitating testimony, when sworn before the Court of King's Bench in the accustomed English form, by the crier of the court administering the oath, and causing her to kiss the book. The Judge who tried the case said to Mr. Erskine, who was counsel on the other side, "Surely you cannot meet this evidence." He replied, "I think, my Lord, I can;" whereupon, having ascertained from what part of the kingdom the witness came, he said that he would swear her in the Scottish fashion. Accordingly he made her hold up her hand, and then, with that manner and voice which no one that he (Lord Brougham) had ever seen or heard could come near for its impressiveness, its suavity, and its dignity, he repeated to her that solemn form of oath by which our fellow-subjects in the northern part of the island are sworn, and which was as far superior to ours in this part of the country as it was possible for one solemnity to be superior to another. [Lord Campbell: It is administered by the Judge, too.] Yes; and in it the witness was called upon to swear by Almighty God, and as he shall answer to God at the great day of judgment, that he will tell the truth, the whole truth, and nothing but the truth. Most improperly, indeed, as seemed to him (Lord Brougham), the words were added, "as far as I know, or shall be asked." [Lord Campbell: That is now omitted.] He rejoiced to hear it. Well, the witness refused to take this oath; refused to repeat her testimony so sworn; she went down from the box, and there was an end of the case. He thought that a discretionary power should be given to the court to take an affirmation instead of an oath where there existed a conscientious objection on the part of a witness. He found from some cases that had been mentioned to him that this discretion was at present exercised in Scotland in some cases by the Judges, but more frequently by the magistrates. It was perfectly clear, however, that it was illegal so to dispense with the oath, and that the evidence given on affirmation in such cases was inadmissible. The impression on his mind was that it would be expedient to render that course legal which it appeared was sometimes adopted under the pressure of difficulties, and he trusted that their Lordships would take this suggestion into their serious consideration.

Lord CAMPBELL *presented* Petitions from cities and towns in Scotland to the same effect. The noble and learned Lord said, that the grievance to which the petitioners called the attention of their Lordships was a very serious one. At present the only classes who were allowed by law to take an affirmation instead of an oath were Quakers, Moravians, and Separatists. Now, he felt justified in saying that there might be orthodox members of the Church of England who considered it unlawful to take an oath; and, although he (Lord Campbell) was of a different opinion, he did not at all wonder that many persons did entertain serious scruples on the subject. But it was not the scruples of witnesses alone that their Lordships had to consider. The loss of the testimony was also to be considered. Suppose a witness refused to swear to the fact of the marriage of the father and mother of one of their Lordships; their title to sit in that House might be seriously affected. He hoped, therefore, that the time had arrived when a remedy might safely be provided for this grievance. He admitted that it would be monstrous to propose the abolition of judicial oaths altogether; but he could see no harm in abolishing them so far as the class of persons were concerned who really and truly entertained religious scruples on the subject; and he should be glad to see a measure giving relief to such persons introduced even during the present Session. He thought that the Common Law Commissioners, in their second report, had pointed out the true course to follow; and that was to allow the Judges a discretion in the matter.

Lord BROUGHAM said, he was not aware that that suggestion had been made by the Commissioners; but it was a very good one. He had been informed of a very hard case—perhaps the hardest that had occurred under the existing system. It was that of a young man who happened to be present when some offence was committed. He was taken before the sheriff, and, having refused to swear, he was sent to gaol for contumacy, where he remained one month. He was in feeble health, and when he came out he took to his bed and never rose again. He died in six weeks after.

Petitions to lie on the table.

FEES IN COUNTY COURTS.

Lord BROUGHAM moved an Address for a return showing the amount for which plaints were entered, in the County Court of Middlesex, holden at Uxbridge, from 1st January to the 31st December 1852. He had before called their Lordships' attention to this subject, and shown that what he meant by fees was the tax levied on the suitors in the form of fees paid on various proceedings in those courts; but the sums he had mentioned did not include the fees paid to counsel or solicitors, or attorneys, but were the simple fees payable under the Act of Parliament, which the officers of the court were not to blame for taking, for they were obliged by law to take them. Some controversy had occurred with regard to what he had said on a former occasion. It was supposed that he had said that the fees paid amounted to 25 per cent on the sums sued for. The fact was that the fees thus paid in 1851 amounted to 272,000*l.*, which on 1,600,000*l.*, the sums sued for—amounted to between 16 and 17 per cent. The fees received were divisible into three portions—First, they were paid in respect of sums for which judgments had been obtained; secondly, on sums where no judgments had been obtained, but the money had been paid into court before the case reached judgment; and, thirdly, where the money was paid immediately on the suit being brought and the case going into court, and where there had been no other proceedings, and no judgment. He had moved for this return from the Uxbridge County, Court because he understood that it presented a fair average of the payment of fees in those proportions. It appeared by the return that on the money paid into court without judgment being obtained, the amount of fees paid was about 11 per cent; the sum being about 100,000*l.*, something above 10,000*l.* had been taken for fees in the cases settled out of court. In cases where there was no judgment and no money paid into court, it was only 6¼ per cent; and in the cases which proceeded to judgment, and in which the money was paid in consequence of the judgment of the court, it was 22½ per cent. It was impossible to deny that this was one of those great abuses — those grievous extortions — to which the subjects of this country were exposed in the administration of justice. The amount thus extorted from poor suitors in fees, excluding the execution fees, which the parties brought upon themselves by their contumacy in not obeying the orders of the court, was 240,000*l.*, the gross amount, including those fees, being 270,000*l.* This evil he trusted to see speedily remedied, and that these courts would offer, as they were intended to do, the means of obtaining cheap and speedy justice.

Lord CAMPBELL said, he did not rise to controvert the opinions of his noble and learned Friend on this subject; but he wished to take this opportunity of making an explanation in reference to some observations that had fallen from his noble and learned Friend on a previous occasion on the subject of the regulation of fees in the county courts by the Judges in Westminster-hall. Surely his noble and learned Friend did not mean to say that the Judges in Westminster-hall entertained any jealousy towards the County Courts; on the contrary, they all looked upon those courts with feelings of kindness for relieving them from an amount of business which, with all their endeavours, it would be impossible for them to transact. He could say of his own court that business flowed in so rapidly, that though he and his brother Judges sat late every day during the last term, many cases remained over at the end. No Judge, nor any officer of the superior courts, could have an interest in preventing business from going to the County Courts. As the law now stood, the fees in the county courts were thus regulated. There were five Judges of those courts named by the Lord Chancellor to fix upon a scale of fees, which scale was to be submitted for the sanction of three of the Judges of the Superior Courts. The five County Court Judges had been appointed for this duty by his noble and learned Friend (Lord St. Leonards); they had made out their scale, and it was to be submitted to his learned Friends the Lord Chief Baron, Mr. Justice Crompton, and Mr. Baron Martin. Other learned persons had given their attention to the subject, with the view of doing what was best for the benefit of the suitors in the courts in question. He could safely say that all his Colleagues on the Bench were anxious to do all they could for the benefit of those suitors; but while they took care that the fees exacted were not exorbitant, it was their duty to see that they were sufficient to remunerate professional men for the services rendered. He was confident that when the scale was given out, it would be such as to give satisfaction to every member of the community.

Lord BROUGHAM said, he was very far from suspecting that there was any jealousy entertained by the Judges of the Superior Courts against the County Courts. What he stated on the occasion to which his noble and learned Friend alluded, was that there was ground for alarm that a step might be taken by the Judges in confirming a certain scale of fees which had been submitted to them, coming from two taxing officers of the Court, and recommended to the five Judges of the County Courts, but which they had not had time to consider, and that such scale, if passed, would have the effect of driving a large amount of business from the County Courts. For instance, that scale recommended that the fees in cases under the optional clause—though the amount litigated might amount to 10,000*l.* or 100,000*l.*—should not exceed those charged in the Superior Courts for the very smallest class of cases; the consequence of which would have been that no attorney could be expected to recommend his clients to avail themselves of the optional clause, because the fees allowed would not be sufficient to remunerate him for his trouble.

Lord CAMPBELL must protest against the course taken by his noble and learned Friend. The Legislature had provided that the scale of fees should be prepared by a Commission, and laid before three of the Judges of the Supreme Courts; but his noble and learned Friend was taking upon himself the functions which the law had conferred upon those Judges, and upon them alone. His noble and learned Friend ought not to proceed on rumour—he should wait till the Act was accomplished, and, when he had seen the final judgment of the Judges, it would be time enough to bring the matter before their Lordships; but to bring it forward now was both premature and irregular.

Lord BROUGHAM would not allow his noble and learned Friend to charge him with being either premature or irregular. He was, in the most rigorous construction of the term, regular, and he had in no way interfered with the functions of the three learned Judges. But, if those three learned Judges had divested themselves of the authority which they had to fix the fees—

Lord Campbell

Lord CAMPBELL: They have called in assistance.

Lord BROUHAM hoped they had only called in assistance. But if they had been delegating to taxing officers the settling of those fees, and afterwards serving the County Court Judges with a copy of the scale which had been made out, and if they did not pause upon the subject, then they would shut up, to a certain extent, the County Courts from suitors. It was, no doubt, possible that he might be mistaken. It was very possible that a different scale of fees might be adopted from that to which he had adverted. If so, all objection would be obviated; but, if they were to abide by that scale, then he had no hesitation in saying that the greatest harm would be done to the County Courts.

The LORD CHANCELLOR said, that when his noble and learned Friend mentioned the subject some ten days ago, he thought the best course he could take would be to communicate with the learned Chief Baron, and ask him in what state the matter stood; and from that learned Judge he had received the most satisfactory explanation. Under the Act of Parliament the question of the scale of fees went, in the first instance, to the five Judges of the County Courts appointed for the purpose. They stated what they thought the fees should be, and their opinion was submitted to three Judges of the Superior Courts. What step could those Judges take to enable them to come to a satisfactory conclusion? There was no subject, perhaps, upon which they were less able themselves to form an opinion than whether 6*s.* 8*d.* or 13*s.* 4*d.* should be the remuneration for certain services. Naturally, therefore, they referred the matter to their own taxing officers; and, having received their report, they sent it to the County Court Judges, telling them, if they approved of it, to come at a particular hour to have it confirmed. But that did not imply that if they did not approve of the scale, as revised by the taxing officers, that they would not be heard against it. That was the course that had been taken, and that would be followed; and nothing would be done in the way of final confirmation until a scale had been devised satisfactory to all parties; or, if that was found to be impossible, then the Judges would perform their duty by fixing a scale according to the best information they could obtain. He admitted that it would be wrong to fix such a scale as would discourage professional men from carrying cases of a large amount into the County Courts; but then it should be recollected, that as the duties in those cases which were brought there under the optional clause were light, the remuneration ought not to be high.

Motion agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 16, 1853.

MINUTES.] PUBLIC BILLS. — 1° Simony Law Amendment ; Soap Duties ; Malicious Injuries (Ireland) ; Resident Magistrates (Ireland).
2° Parish Vestries (No. 2).
3° Taxing Officer, Common Law Business (Ireland) ; Bail in Error.

APPOINTMENT OF MR. KEOGH—EXPLANATIONS.

MR. KEOGH : Mr. Speaker, in rising to make the statement of which I have given notice, I am sure I shall not ask in vain for the indulgent attention of both sides of the House, whilst I endeavour to defend myself against charges impeaching my veracity, and derogatory to my personal honour : and I have that confidence, because I have always observed that, no matter what may be our individual and party conflicts, this House receives fairly, kindly, and with a generous disposition, any explanations which any of its Members may be driven to make in vindication of his character. I am not indeed, Sir, without a conviction that discussions of this nature are irksome and tedious, and disagreeable to the House. I am not without a conviction—to me a most unpleasant one—that altercations of a personal nature have too often arisen between the representatives of Ireland. But this I wish to remind both sides of the House—and I hope justice will be done to me in regard to this, at least—that in this case I am not the aggressor—that I have not sought or originated this cause of quarrel—that it has been put upon me under circumstances which I do think that every Member of this House, when they are fully explained, will believe are inconsistent with that fair play and just consideration which is conceded to every political opponent, and which I have never known to be denied by any generous man to an absent individual. Sir, it will be in the recollection of hon. Members that upon Friday last, in another place (the House of Lords), a discussion occurred in which my name was brought much in question. To that discussion, and to the apparent object of that discussion, it is not now my intention to allude, further than may be necessary as an introduction to the issue raised between me and the noble Lord the Member for Coleraine (Lord Naas). For the discussion upon that occasion I came to this House perfectly unprepared by any notice from any person whatsoever. No previous intimation was given to any of my friends, in order that any defence which I had might be offered on my behalf. It came with perfect surprise upon me, when, at a quarter past five o'clock in the afternoon, I met my hon. Friend the Member for Roscommon (Mr. French) in the lobby, who then for the first time intimated to me that my name was to be mentioned. Sir, that discussion has taken place, and as I perceive it is to be renewed in a formal manner before the highest tribunal, it is not necessary for me now to follow the example of the persons who assailed me. I shall not prejudge their inquiry, although I think I have fair grounds for concluding that they wished to prejudge my character. That discussion originated with a noble Marquess (the Marquess of Westmeath), to whom I only now allude for the purpose of entirely passing him by. He was followed by a noble Earl late at the head of Her Majesty's Government, who in the course of his speech thought proper to say that he considered my appointment to the office which I now hold as a most unfortunate one. Now, I at once say that, however painful it may be to my feelings to have heard that observation made by so distinguished a person, yet I do not conceive that there is anything in his criticism which I should be entitled to challenge, as I am now about to challenge an observation of another noble personage. The noble Earl to whom I have referred was followed by another noble, and, as I have always heard, a very chivalrous, Earl (the Earl of Eglinton); and he was pleased to say that he considered that my appointment was the least reputable which had been made by the present Government. Now, I scarcely think that the expression to which I have alluded is justified by any circumstance which the noble Earl can mention in deterioration of my character. I do not think that there is any rank or station so exalted as to justify any person in pronouncing such an opinion upon statements conveyed at second hand, after a long period of time—at least twelve months—conveyed, too, by persons whose names are not mentioned, and especially without the knowledge of the person who is most interested in the inquiry. I do not think that such a course is justifiable, either in this or in any other House, at least without some inquiry, or without some opportunity being given for the person so accused to explain his conduct. But so it pleased that noble Earl to pronounce upon my appointment. I was then at the bar of the House of Lords. I heard the words used. I immediately communicated with a noble Duke (the Duke of Newcastle), who was kind and generous enough to undertake my defence. I thought that the remarks ought not to have proceeded from any one; and I confess I was indeed surprised when these observations wese uttered by the noble Earl (the Earl of Eglinton) who had held the office of Viceroy of Ireland; when I knew—when many knew, as I shall prove, before I sit down, upon incontrovertible evidence—that the noble Lord who now sits opposite to me, and who then held the office of Chief Secretary to that Lord Lieutenant (Lord Naas) had sought me with eagerness immediately upon the formation of the Government to which he belonged—had pursued me from street to street, from house to house—had inquired after me, not of one or two, but of friend after friend of mine, in eager haste, in order that the communication which I shall presently mention might be made to me by that noble Lord. I thought, Sir, it was likely that some of those circumstances must have reached the ear of the noble Earl who was the Viceroy of Ireland; I thought it likely that these things could not have been done without the knowledge of the noble Earl the late First Minister of the Crown; and I authorised and asked the noble Duke to state the fact to the House—the fact upon which I now rely, the fact upon which the noble Lord (Lord Naas) has joined issue with me—that when he was already named as Chief Secretary for Ireland—that on the day when it was uncertain, as he himself has stated (though possibly there may be some doubt on the subject), whether or not he would accept the office of Chief Secretary for Ireland, the noble Lord sought an interview with me, and at that interview asked me if I would accept office under Lord Derby. Now, the statement which I then made is the same which I now make—is that which the noble Duke in another place made upon my behalf—is that which I have put upon the face of the letter which upon that evening, without any time for deliberation or equivocation, I wrote to the noble Lord opposite from this House. The statement is, that the noble Lord, having sought an interview with me, under circumstances which I shall presently detail, did at that interview ask me if I would accept office under Lord Derby. Now, I admit that a question depending upon the recollection of two individuals, was rather a perilous issue for any one man to take with any other. I confided, however, to the noble Lord's honour, and trusted to the accuracy of his memory. Now, what are the circumstances which it is necessary for me to mention before I proceed to read the documents in this case? In the first place, it will be in the recollection of the House that the formation of Lord Derby's Government, until all the appointments were completed, occupied, I think, some nine or ten days. It was late in those days that the noble Lord was named for the office of Chief Secretary for Ireland. I had been for some time a constant attendant on the House, and was not indisposed to enjoy the cessation of business which then took place, and, not having the remotest idea that I could be in any way concerned in the formation of Lord Derby's Government, I took no interest in the subject, and went some short distance from town. However, my hon. Friend the Member for Tipperary (Mr. F. Scully) is in the House, and has, I believe, lately communicated with the noble Lord. The noble Lord met him at that time, and was very anxious in his inquiries for me. He asked my hon. Friend to take him to my private residence. He did not find me there. He went thence to the Reform Club, of which I was not a member at the time. The noble Lord inquired at the Reform Club for me—I do not know whether that has escaped the memory of the noble Lord? The noble Lord is silent. [Lord NAAS: No!] Well, he dissents, and I must try if I can refresh the memory of the noble Lord and satisfy the House upon the subject. The noble Lord went to the Reform Club, and having been informed that I was not a member of the club, he inquired for some friends of mine, and being informed that one of them was in the House, he waited in that great hall which, when Ministries are changing, is a sort of political encampment. I need scarcely say that the noble Lord's presence there excited no small surprise. I do not suppose that I am stating any very grave charge against the Members who surround me when I say that they exhibited a justifiable, a natural, curiosity to ascertain what his business was. In fact, the noble Lord was the observed of all observers—"the cynosure of neighbouring eyes"—and it became perfectly well known that his object in having recourse to that club was to ascertain where I was to be found, and to see me upon the mission on which he was then engaged. That the noble Lord went there and made that inquiry, there can be no doubt. I did not know it at the time, but I have since inquired with respect to it. I have appealed to the hon. Member for Middlesex (Mr. B. Osborne) as to his recollection of the transaction, and he has written me a note which, with his permission, I shall now read. He says—

"My dear Keogh—You wish to know whether I can remember the circumstance of Lord Naas calling at the Reform Club and making inquiries respecting your residence, at that particular period of last year when Lord Derby was forming his Administration. I have a distinct recollection of meeting Lord Naas in the Reform Club during that period. The fact of his visit to the Reform Club was the more impressed on my mind from the peculiar position of parties at that moment, especially as it was shortly afterwards commonly reported that you had been asked if you were willing to accept office under Lord Derby's Government. This impression was subsequently confirmed by your stating to me that Lord Naas had expressly asked if you were disposed to take office under the new Administration of Lord Derby.—I am, very truly yours, "R. B. OSBORNE.

"June 15, 1853."

I think, that, after that letter, even the noble Lord's memory can hardly fail to advise him, that in those days he was a visitor of the Reform Club. Well, he was not successful in finding me there. Certainly, I think I am justified in concluding that he must have been extremely anxious to meet me, because immediately afterwards he paid two visits to a club to which I did belong. But as the circumstances which occurred there and afterwards are mentioned in the letter I addressed to the noble Lord, I shall now take the liberty of reading that letter. It will be in the recollection of hon. Members that the noble Earl late at the head of Her Majesty's Government stated distinctly that he had heard this rumour before—but that it was put about by friends of mine upon my appointment to the office which I hold under the present Administration—and that he had directed all his friends to contradict it in every quarter. It was certainly a curious circumstance, that, immediately after making that declaration, the noble Earl the late Lord Lieutenant of Ireland, who sat beside him, rose and stated that he had then, for the first time, heard that rumour, and, consequently, had never heard the contradiction. Well, I think it is now clear enough that the rumour was abroad, not for the first time after my acceptance of office under the present, but, as my hon. Friend's letter proves, immediately upon the formation of the late Administration. However, upon hearing the statement of those noble Earls, I left the bar of the House of Lords; I instantly came here; and without any hesitation whatever—without any communication, or taking time to deliberate with other persons—I addressed to the noble Lord the letter which I shall now read:—

"Reform Club, Friday Evening.

"Dear Lord Naas—I have just returned from the bar of the House of Lords, where I heard Lord Eglinton state that he considered my nomination to the office I now hold the least reputable of those made by the present Government. Upon hearing this, I at once communicated with the Duke of Newcastle, and authorised him to state that immediately upon the change of Government in the year 1852, and before the Ministerial arrangements of Lord Derby had been completed, I was asked by your Lordship whether I would accept office under Lord Derby's Government; a question which I had answered in the negative. The Duke of Newcastle stated this to their Lordships, and, thereupon, Lord Derby, in the most explicit manner, denied that he had ever authorised any such proceeding; and I, therefore, at once address you upon the subject. It will be in your recollection, that, shortly after Lord Derby had undertaken the formation of his Ministry, you called at my club at least twice on the one day, leaving on each occasion your card, and subsequently a note, requesting to see me at your house upon the following morning. I called, but did not see you, as you afterwards informed me by some mistake on the part of your servant, and you again wrote requesting that I should call upon you. I did so, and after some conversation of no importance, you stated that you had been directed to ask me whether I would accept office under Lord Derby. I jestingly asked you if you intended to make me Chancellor of the Exchequer, President of the Board of Control, or some such office? You replied that you had asked me a serious question, and expected a serious answer. I reminded you that you had not stated by whose authority you put the question; and you replied at Major Beresford's desire, adding, that he was in communication with Lord Derby. I then told you that it was impossible for me to join Lord Derby's Government. Major Beresford having subsequently spoken to me in a deprecating tone of the opposition I thought it my duty to give to Lord Derby's Government in the House of Commons, reminded me, when I expressed my surprise at his remonstrance, that I had been asked to take office by you, and that he felt my hostility the more as he was the person who had spoken with Lord Derby in reference to my name. With the distinct recollection of these facts on my mind, I need scarcely say how much Lord Derby's declaration surprised me; and I have, therefore, to request that your Lordship, as a matter of justice to me, will, in reply, state that the narrative I have given of my interview with you is substantially correct. Our friend Mr. Anthony O'Flaherty was aware of your calling upon me at my club; I showed him your notes as I received them, and within half an hour after the interview communicated to him the details of our conversation. I have now read to him this letter, and he perfectly concurs with me as to the accuracy of my recollection.—I remain, dear Lord Naas, yours faithfully, "WILLIAM KEOGH."

I think, Sir, whatever else that letter does, the last sentence of it, which I have read in the presence of my hon. Friend the Member for Galway (Mr. A. O'Flaherty), completely disposes of the issue which was raised by the noble Earl in another place—that this rumour was for the first time circulated after my appointment to the office which I now hold. Well, I sent that letter to the noble Lord on Friday evening. I had no reason to think that the noble Lord was out of town. I had seen him very near town on the previous day. I waited all Saturday; and, towards evening, receiving no reply, I inquired if the noble Lord had arrived at his club, and was informed that he had not, but that he was expected. I inquired again on Sunday; there was no answer. On Monday, being very anxious that this matter should be decided here—[Lord NAAS: Hear!]—the noble Lord cheers. Has the noble Lord been desirous that the whole of this inquiry should come before this House, the proper tribunal to decide upon it? Has he been of that opinion from the commencement? Was he of that opinion yesterday? Was he of that opinion to-day? Was he so half an hour ago? The noble Lord is silent, and he knows the reason why. On Monday I wrote another letter to the noble Lord, in these words:—

"Reform Club, Monday.

"Dear Lord Naas—I addressed a letter to you on Friday evening to the Carlton, and on inquiry on Saturday and yesterday, was informed that you had not been in town. I called this day at your house, and was told that you are still absent. May I beg the favour of a reply as soon as possible after your arrival?—Dear Lord Naas, truly yours, "WILLIAM KEOGH."

Now, I quite admit—I am sure—the noble Lord was out of town on Saturday, I am certain that he was out of town on Sunday; but he arrived in town on Monday. He had this letter before he came to this House, because he asked, significantly enough, a friend of mine in this House whether this question was likely to be brought before the House of Commons. The noble Lord was in the division on that evening. He had my two letters: and, if, to the first he did not think it was necessary there should be an immediate reply, he had my second letter, pressing for an answer. And yet I had to wait until two o'clock the following day before the noble Lord and a gallant Friend of his entered the scene of his former visits, the Reform Club, and left the letter which I shall presently read to the House. I do not wish to deprive the noble Lord of any value which he may attach to the reading of his letter immediately after those which I have read. I will read the noble Lord's letter word for word; it shall be read with all the emphasis I can command. The part that appears to give the most direct negative to what I have asserted, is that upon which I most rely, because something tells me that although the noble Lord was of that mind at two o'clock upon Tuesday last, he has since seen reason to think very differently, and to recollect very differently to what he did when he wrote this letter—as we shall see, I venture to say, before he sits down, after he rises to speak in reply to me. This is the noble Lord's letter:—

"4, Grosvenor-place, Tuesday.

"Dear Sir—I only received your note last night on my return to town, after an absence of some days. I distinctly deny that, either directly or indirectly, I made an offer of office to yourself or to any of your friends, or that I had, or that I assumed I had, authority from any one so to do. As to the interview which took place between us about the period to which you refer, my recollection of it so essentially differs from the version given by yourself, that I cannot admit its accuracy, or the deductions you seem to have drawn from it.—Truly yours, "NAAS."

Well, now, I say that no language can be more positive, more precise, more comprehensive, than the noble Lord's denial. But does the noble Lord mean by that denial merely to deny that he made me an offer of office, or does the noble Lord mean to deny what I have asserted—that he asked me if I would accept office under Lord Derby's Government? If the noble Lord means to deny only the actual offer of office, but not the only thing which I asserted, namely, that he asked me—he being then nominated as Chief Secretary for Ireland—whether I would accept office under Lord Derby's Government, then what means the noble Lord by the words "directly or indirectly?" If the letter ran thus, "I distinctly deny," leaving out the words "directly or indirectly," "that I ever made you an offer of office," then, unquestionably, that might not be a denial of my assertion. The question, I say, was put to me by the noble Lord, "would I accept office?" But he says that neither "directly nor indirectly" did he make me an offer of office. Therefore, I suppose I am to assume that the noble Lord did not put to me the question which I stated in my letter. Now, upon that subject I have no object except to vindicate my own honour, and to maintain my own veracity. It has been impeached in most sweeping terms by the noble Earl at the head of the Government to which the noble Lord belonged, because here are the words of the noble Earl: "He had heard the rumour for the first time after the appointment of Mr. Keogh had called forth a great deal of observation in Ireland, and was loudly condemned." Now, I will not pause upon that remark, except to say, that as the organs of public opinion are sometimes referred to, I might remind the noble Lord opposite (Lord Naas), that those journals with which he is supposed to have the most community of feeling, and which, not in Ireland but in this country, were known to express the wishes of the noble Lord's Government when in power, so far from condemning the ruoured appointment, rather selected it for approbation. But, the noble Earl goes on to say—

> "I heard it had been put about by Mr. Keogh's friends that a certain offer had been made, and I lost no time in authorising every person who might hear that to state upon my authority that I did not know, nor have I ever authorised, nor did I then believe, nor do I now believe, that any such offer, proposition, suggestion, or hint was ever made to Mr. Keogh by any person."

Now, the noble Earl holds the very highest position in this country. The noble Lord opposite (Lord Naas) holds in rank a position to which I, in my humble and inferior station, cannot venture to aspire. Of course it would be most improper in me to question the veracity either of the noble Earl or of the noble Lord; but let me ask the noble Lord (Lord Naas), who now sits opposite to me, who now hears my words, and shall presently hear the other evidence which I shall lay before the House—has the noble Earl been labouring under a misapprehension or not when he says that no offer, proposition, suggestion, or hint, as to the acceptance of office, was conveyed to me by any Member of his Administration? Well, I will turn to the letter of the noble Lord. What is the meaning of that portion of it where he denies that he ever made me any offer of office? I never asserted that he did. ["Oh, oh!"] I trust that if any hon. Member is of opinion that I did, he will rise in his place and state when and where I made such an assertion. I am not now an absent man. I can, I hope—no doubt, with very inferior ability, but still with good heart and purpose—defend myself. I state distinctly, and I have in my hand, in this House, a body of evidence which cannot be controverted, to show that I never stated that the noble Lord offered me office: but I always stated, not alone since my appointment to office by the present Government, but as I did within half an hour after I had the conversation with the noble Lord to my hon. and gallant Friend the Member for Middlesex (Mr. Osborne), *eo instanti* to the hon. Member for Galway (Mr. O'Flaherty), that the noble Lord had asked me if I would accept office under Lord Derby. I do not want to state anything in this case except what I have evidence for. I wish the noble Lord to have every advantage in his favour that he may; and then, when the whole case comes to be considered, I will confidently await the opinion of the House, and of that honest British public who will not be turned from facts by any prevarication. The noble Lord wrote a short letter; mine was not a very long one, but it stated facts. Does the noble Lord, in passing by my statement that he had sought me twice at a club, mean to deny or to assent to that statement? Does the noble Lord, when I asserted that he had written me two notes on two consecutive days, and when he passes over that statement, mean to imply that he admits it, that he denies it, or that he has forgotten it? I do not know. He has any one of three alternatives; but he has left me perfectly in the dark, up to this time, as to which he intends to adopt. I do not yet know whether he admits, denies, or forgets. When he passes over that portion of my letter where I stated that I had jestingly said, "Do you mean to make me Chancellor of the Exchequer, or President of the Board of Control?" and that he replied, "I have put a serious question, and I expect a serious answer"—does he mean to admit it, to deny it, or to forget it? Does the noble Lord, when I mentioned and reminded him that he had told me that he put the question to me, and made the offer, by direction of the right hon. Gentleman the Member for North Essex (Mr. W.

Beresford)—does he mean by passing it over in his reply to admit it, to deny it, or to forget it? Finally, I wish to ask the right hon. Gentleman the Member for North Essex, whether he has forgotten the day, when, taking me from outside the door—the door of the House, into the window of that division lobby, at a morning sitting, he, in a whining tone—I do not use the word disrespectfully, but because it is the one which best characterises what occurred at the time—he, I say, whiningly complained of the attacks which I was making upon Lord Derby's Government. I stated to him that I had a perfect right to take what course I thought proper. I expressed myself surprised at the remonstrance of the right hon. Gentleman; and he replied, "Of course you have; but really we expected better things from you, seeing that Lord Naas asked you to take office." Now, I want to know—does the noble Lord when I remind him that he stated he had the authority of the right hon. Gentleman the Member for North Essex to put to me that question—does he by passing that, too, over in his reply, mean to deny that he had mentioned the right hon. Gentleman's name? Does he mean to convey to me that he was entirely ignorant, either by knowledge obtained at the time, or subsequently acquired after the receipt of my letter, that the conversation with the right hon. Gentleman to which I have alluded had taken place? But the right hon. Gentleman (Mr. W. Beresford), I am sure, has a memory that is accurate enough for my purpose; and lest I should be mistaken in that supposition I would wish to remind him that there was a Member of this House, an hon. Friend of mine, the Member for the city of Cork (Mr. Serjeant Murphy), who was very close to both me and the right hon. Gentleman when that conversation or remonstrance took place. The hon. and learned Serjeant the Member for Cork is now in the House. He saw the right hon. Gentleman and me in conversation—he heard the tones of the right hon. Gentleman—he thought that something very odd was going on. He at once asked me what the right hon. Gentleman had been conversing about. Mind, this was not since my appointment to office under the present Government; it was not, as the noble Earl late at the head of Her Majesty's Government would insinuate, got up for the occasion; it was not, it could not have been prepared for the noble Lord and the right hon. Gentleman; for when the circumstance took place, and the conversation occurred, the noble Earl and the right hon. Gentleman were both in office—before the last dissolution of Parliament. And that conversation was repeated by me *eo instanti* to my hon. and learned Friend: the hon. and learned Gentleman asked what the right hon. Gentleman was talking or remonstrating about. I said, "Curiously enough he has been 'rowing' me for my attacks on the Chancellor of the Exchequer,"—attacks which, by the way, I am sure he never regarded in the least—"and he has assigned as a reason why I should not do so, the question which was put to me by Lord Naas as to whether I would accept office under Lord Derby's Government." Now, when I call the attention of the noble Lord the Member for Coleraine to that curiously corroborative conversation with the right hon. Gentleman (Mr. W. Beresford), I wish to ask him, does he mean, with respect to the statement I have made, to admit it, to deny it, or to forget it? The noble Lord will explain. I now come to another part of the noble Lord's letter, as to the interview which took place between us. He says—

> "I distinctly deny that either directly or indirectly I made an offer of office to yourself or any of your friends, or that I had, or that I assumed I had, authority from any one so to do. As to the interview which took place between us about the period to which you refer, my recollection of it so essentially differs from the version given by yourself, that I cannot admit its accuracy, or the deductions you seem to have drawn from it."

Now, I want to know, had the noble Lord then made up his mind when he wrote this letter? If he had, has anything taken place since to alter his recollection? Has he not in fact entirely altered his mind as to that conversation? The noble Lord has. He knows he has; and what is of vital importance to me, he knows that I know he has. I now beg the noble Lord's attention to the words I am about reading from a paper which I have before me. The noble Lord will understand me. When, first—since the noble Lord wrote that letter, which is very laconic, and very unequivocal—did he make up his mind "that he had a conversation with me, in which phrases were used that, under the circumstances, might have induced any hon. Gentleman to suppose that if office would be accepted, it would be offered?" I want to know, is that now the impression upon the mind of the noble Lord? I ask the noble Lord to inform the House—no matter what he wrote on Tuesday at two o'clock—no matter what he wrote before I came down to this House, at the very earliest moment before the noble Lord's denial was asserted in another place—no matter what he wrote, is he now of opinion that at that interview "he did use phrases which under the circumstances might have induced 'the hon. Gentleman' to suppose that if the hon. Gentleman would accept office it would be offered to him?" If the noble Lord likes, I will write down the words. I see he is taking notes. Mayhap he has already a copy of the words I am reading? Is the noble Lord now certain that he was anxious for this statement to the House? I am defending myself. I only want to sustain my own veracity and my personal honour. They have been grossly assailed—they have been assailed with no equal odds. In my humble position I have been assailed in another place with the whole weight, power, influence, rank, and station of the late Government in that place. I have not been asked if I could explain anything that has been alleged against me. I have not experienced the common courtesy of receiving ordinary notice. I had not this justice conceded to me, though the noble Lord, when communicated with, might have said—he must now say—that what I stated was, at all events, substantially the truth; but the noble Earl determined, at any risk, to have me down. "I did not believe," said the noble Earl, "and I do not believe, that any suggestion, proposition, offer, or hint, was made by any person on my behalf, or acting for the Government, of office to the hon. and learned Gentleman." I now ask the noble Lord the Member for Coleraine, is that true? I come to another branch of the case, and I think that it alone—if all I have stated were out of the case—would place the noble Lord in no very enviable position. The noble Lord held communications with other persons besides me; and I am now going to mention the name of a friend of the noble Lord—an early friend of his, not now known for the first time, or since the noble Lord came into Parliament—a gentleman to whose honour, veracity, and high character I would have no hesitation in asking the noble Lord to speak—and that gentleman recollects distinctly that during the last summer he had a conversation with the noble Lord, who was loud in his complaints of my conduct in Parliament. The gentleman I refer to is the brother of my hon. Friend the Member for Galway (Mr. O'Flaherty), and an intimate friend of the noble Lord. That gentleman was a candidate at the last election for the borough of Dungarvan; he left this country at the dissolution of Parliament, and happened to travel in the same train with the noble Lord—they went across the Channel in the same packet, and went up to Dublin in the same carriage—and the noble Lord was there pleased to direct his observations to so humble a person as I am. Mr. O'Flaherty mentioned the circumstance at the time to me. I appealed to him, when I received the noble Lord's letter of denial, to give as accurately as he could the substance of that conversation, and it is at right angles with the letter of the noble Lord. I will read it to the House; and though I had been treated in a very different manner, my friend who wrote it thought that it was right and proper that the noble Lord should have the earliest intimation of the existence of this letter; and he accordingly wrote to him to state that nothing was further from his intention than to say or do anything that was disagreeable to the noble Lord, but that he felt bound as a matter of justice to give me the benefit of his testimony here, or elsewhere, if my character was impugned. I will now read the letter of Mr. O'Flaherty. It is addressed to me:—

"37, Jermyn-street, June 15, 1853.

"My dear Keogh—I have a perfect recollection of the conversation between me and Lord Naas, to which you refer as having been communicated to you shortly after its occurrence. It took place during a journey to Ireland last summer, when we were both going over to our respective elections. He spoke in terms of much disappointment and regret at what he considered your ungrateful conduct in making an attack a few evenings previous in the House on Mr. Disraeli, as they had deserved a kinder consideration from you after the feeling evinced in his having sent for you and asked you whether you would take office under the Government of Lord Derby."

I wrote to my friend (Mr. O'Flaherty), begging of him to be precise and accurate in his recollection of the interview, and I again say that, however the noble Lord may be disposed to explain the matter to the House, I do not think he will be disposed to throw any doubt on the honour and veracity of that gentleman:—

"Lord Naas never mentioned to me whether or not he made this offer by direction of any other person, but he dwelt much on Mr. Disraeli's kind feeling towards you, and said that the step he had taken entitled them at least to have asked for a more generous forbearance.

"I thought he desired his remarks to be conveyed to you, and I mentioned them when I saw you. I have written to Lord Naas, apprising him of my having given you this letter; but I trust, unless absolutely necessary, you will not bring my name in question, as, independent of other feelings, I should be very sorry personally to take any course disagreeable to him.—I remain, very faithfully, "EDMUND O'FLAHERTY."

Now, will the noble Lord be good enough to explain to the House how comes it to pass that he informed this gentleman, previous to the last general election, that he had expected a generous consideration from me, in consequence of his having sent for me to ask me if I would accept office? How does he reconcile that statement with this one, which is contained in his letter of Tuesday last:—"I distinctly deny that I ever, directly or indirectly, made an offer of office to yourself or to any of your friends." Though the noble Lord addresses me in these very curt terms, and does not think proper to go into any explanation with me as to the contents of my letter, I am sure my letter was not framed in a hostile spirit. I merely asked him to do an act of justice, which I fully expected. I recollected the circumstances under which my first acquaintance with the noble Lord grew up. He and I entered the House together, and sat for six years together on the Opposition benches. The noble Lord entered the House under the auspices, to use no stronger phrase, of the friends of that great statesman to whom the party which the noble Lord subsequently adopted acted in opposition. In conjunction for a short time with the noble Lord, I gave my support to the commercial policy of that eminent man. From the first, and until the end, I continued to give that policy my support, though not in company with the noble Lord. Yet I was frequently in this House thrown into personal communication with the noble Lord, and there were other subjects of conversation between us, which I may bring to the noble Lord's mind as having been discussed between us at the interview in question. At that time the noble Lord was in a difficulty: the noble Lord had been offered—and an hon. and learned Friend of mine who sits at the opposite side of the House, and is a political supporter of the noble Lord (Mr. I. Butt), has had the candour to say that he is ready to rise in his place to confirm this statement—on the day he sought, or rather obtained, an interview with me, he had been offered the Secretaryship for Ireland, but had not yet accepted it. I asked the hon. and learned Member for Youghal (Mr. I. Butt) did he recollect that I came on that day out of the house of the noble Lord?—for when I received this letter I was prepared for any description of denial. I asked the hon. and learned Member for Youghal, did he recollect meeting me, as on that day I came out of the noble Lord's house? At the same time I told my hon. and learned Friend, as he was a political supporter of the noble Lord, great as the importance of that disclosure might be, I would waive the advantage of it; but, to the credit of my hon. and learned Friend, he at once said—he frankly and without a moment's hesitation said, "No matter whether it may be disagreeable to me or not—no matter what may be the consequence—you have a right to my testimony here and elsewhere, and unquestionably you shall have that testimony; and moreover," said he, "you shall have this further statement from me, that I had to wait in the noble Lord's anteroom twenty minutes during the interview you were holding with him." The noble Lord did discuss other questions; let not the noble Lord think that I shrink for a single moment from placing even the most remote recollection of what took place between the noble Lord and me before the House. The noble Lord spoke to me about the prospects of his re-election for the county of Kildare; and he asked me—attaching more importance to my influence than it deserved—whether I or any of my Parliamentary friends intended to give opposition to him. He stated other things, the disclosure of which would have tended to do me justice at the time; but from the general election I have remained under a weight of slander and calumny aimed at me, only as such a thing can be done in the Irish press, charging me with having sold the liberties of Kildare to the noble Lord, and with having entered into a corrupt compact with the noble Lord for the representation of that county; but the noble Lord perilled my political position, which is small—he perilled my seat, and that is of importance to me—rather than make any disclosure, when, with a breath, a line, he could have dispelled every kind of slander, and proved that no such compact had ever existed. It was open to the noble Lord to relieve me from that obloquy, and to do me justice in that case; it was in his power again to do me justice with a single line, admitting, what I believe the noble Lord will now recollect, "that he did use phrases that, under the circumstances, might have induced any man to suppose that there was came off on that right hon. Baronet being raised to the Peerage. Then came the case of Mr. Prinsep, unseated for want of qualification; and of Mr. Crawford, declared not duly elected in consequence of the poll being closed too soon. His hon. and gallant Friend the Member for Westminster (Sir De Lacy Evans) then moved for a Committee of Inquiry, and the writ was suspended until the following Session of Parliament. On that occasion a Motion was made that an inquiry should be instituted into the state of the borough; but the House decided that it would not institute an inquiry. Well, then came the question, what was to be done with the writ? On that occasion he (Mr. Duncombe) stated that only two courses were open to the House, namely, either to disfranchise the borough, or to issue the writ. It was decided accordingly that the writ should be issued, and the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly) was returned in consequence. Well, then, there was evidence of a system of bribery having prevailed in this borough, which, in his (Mr. Duncombe's) opinion, fully entitled it to the distinction conferred upon Sudbury and St. Albans. But then Mr. Attwood came out again, and having bought the electors upon a former occasion, it seemed he was now prepared to sell them. And, therefore, he took a sum, five and twenty hundred pounds or so, and seemed to treat the whole matter as a kind of speculation, feeling that he could return whomsoever he liked, and that it would be absurd in any one to go to Harwich without the countenance of Mr. Attwood. He wrote letters to fifty or sixty electors who were his tenants, asking them to vote for Mr. Peacocke. Well, the question was, whether the investigation of the other day was complete. He believed that it was not; and, coupling that incomplete investigation with all the delinquency which had been displayed upon former occasions, he believed that the House would be stultifying itself were it to accede to the Motion of the hon. Member for North Essex (Sir J. Tyrrell). He would, however, have very much preferred to vote for the Motion of the hon. Member for Westminster (Sir J. Shelley), if he was asking for leave to bring in a Bill to disfranchise the borough, for to that it must come at last. It returned two Members for its 200 electors; it would still have one, and surely it would be still sufficiently represented. Next year they were to have a new Reform Bill, and of course the noble Lord the Member for the City of London would not forget to deal with this borough; and the more so, as he would have one foe the less to contend against, because he might depend upon it that the two Members for Harwich would always stand up for its purity, as the hon. Baronet the Member for North Essex had done on the present occasion. He should vote for the Amendment of the hon. Member for Westminster, though he must repeat that the middle course it indicated was not the proper one to be adopted.

Mr. MASSEY said, he quite agreed that though common fame might possibly be a good ground for disfranchising a borough, it was no ground whatever for withholding a writ. When such grave imputations were cast upon the constituency's discharge of the elective franchise, it would be hardly decent or hardly consistent with the constitutional usage of that House to issue the writ without further inquiry. Time was, no doubt, when candidates obtained seats openly and professedly by means of bribery: for instance, the late Sir Samuel Romilly found it much more convenient to enter Parliament by the payment of a sum of 3,000*l.*, rather than appeal to one of the larger constituencies. That, however, was many years ago, and he had imagined that all such practices had been abolished. Here, according to the Report of a Committee, a borough was charged with having returned a Member through the instrumentality of a corrupt bargain, and it was not right that the writ should issue without such an allegation having been inquired into. If a Commission could prove that Mr. Attwood had cheated Mr. Peacocke out of his money, then the borough would clear itself; but if, in consequence of that bargain Mr. Peacocke had been returned to that House, it would be a mockery to continue such a system.

Sir ROBERT H. INGLIS said, he held that a constituency had an absolute right to send a representative to that House—a right only qualified by the Report of a Committee appointed to consider the circumstances of a former election. In the present instance all the circumstances were in favour of the issuing of the writ. The question was not what Harwich did in 1841 or 1847, but whether, in the circumstances of the last election, there was anything to justify the suspension of the writ. In the absence of such Report, he thought that, *ex debito justitiæ*, the borough had a conversations—to a distortion of words employed in moments of confidential intercourse, to a degree I hope never again to listen. Sir, under these circumstances, I do not think it is incumbent upon me, or necessary for me, to follow the hon. and learned Gentleman through all his wanderings—through all those unimportant details which he has laid before the House, or the deductions which he has drawn from them. Mine will be but a simple statement, and that statement I will make undeterred by the eloquence, undismayed by the threats of the hon. and learned Gentleman. But my statement will be materially different from that which the House has just heard. And I think when I have concluded, I shall be able to call upon the House to declare with whom is the verdict. I am comparatively unused to debate, and practically I own I am unable to follow the hon. and learned Gentleman through the variety of topics which he has introduced; but at the same time I declare that, with regard to all the facts of the case, my memory is perfectly clear—my recollection quite accurate. And, first, I will refer to the terms on which I lived during the early part of the present and the whole of the last Parliament with the hon. and learned Gentleman the Member for Athlone. We certainly came into Parliament together, and together also we took our seats upon the Opposition benches of this House. Again, there was a common bond between us; the hon. and learned Gentleman was a Member of the Carlton Club, to which also I belonged; and although we differed upon many essential points, yet, from the earliest date of our Parliamentary career, a very friendly feeling existed between us. I well recollect that upon many occasions during those years I had constant communications with him upon many matters both in this House and out of it. Therefore, Sir, when I come to the facts which I shall bring under your notice, it is not to be wondered at that I should have felt justified in communicating freely—unreservedly—with the hon. and learned Gentleman—little thinking that eighteen months after, in revenge for an attack made upon him in another place—not on account of any statement of mine, but one made elsewhere, and which I do not believe the hon. and learned Gentleman will be able to overthrow, though he has already authorised its denial—I do not believe he will be able to deny that statement any more than he will be able to confirm the statement which he has made here this afternoon. Sir, a little before the formation of the late Administration I was in constant communication with the hon. and learned Gentleman upon the subject of a Motion which I then felt it my duty to bring forward in this House. My communications with the hon. and learned Gentleman were frequent before that occasion—he called often at my house and I saw him often in other places. That Motion to which I allude had reference to the conduct of the noble Earl, the then Lord Lieutenant of Ireland. The hon. and learned Gentleman was fully conversant with all the facts of the case, and he told me that he intended to take part in the debate that would come off, and that he expected to speak in favour of my Resolutions. When the debate took place, however, I believe, for reasons not connected with the hon. and learned Gentleman, but because he had been professionally engaged in the case, he found it was not competent for him to take part in it. He will admit, however, that he told me his intention originally was to have done so. Well, the very day after that Motion was made and defeated, the Government was overthrown—my Motion having been made upon a Thursday, and the division agsinst the Government on the Motion of the noble Lord opposite (Viscount Palmerston) took place upon the Friday. On the Saturday or Monday following, Lord Derby accepted from Her Majesty the task of forming a Ministry. Shortly afterwards—though I cannot positively name the day, yet I think it was a Tuesday—an intimation was made to me that very probably I should be offered office in case, or rather contingent upon the probability of my being re-elected. Sir, on that occasion I think it was no breach of confidence—indeed I think I might with every safety refer to a Member of an opposite party, to my political opponents, to inquire whether it was likely that my re-election would be opposed. I had, between the Tuesday and the Thursday, several communications with the hon. and learned Gentleman upon this matter; and I trust—and I think the House will admit—that in those communications there was nothing that any man could reproach himself with. I cannot understand the allusions which the hon. and learned Member has made to his character, and to the attacks made upon him by the Dublin press in connexion with this matter. I own, indeed, that I was astonished that the part which the hon. and learned Gentleman took upon that occasion should have exposed him to such extraordinary malignant attacks; and I will add that, in reference to my election, I was met in a very friendly mode and with a very friendly feel- by the hon. and learned Gentleman; and I do believe that, acting under the influence of a friendly feeling, he did exert himself, without in the least degree compromising his own opinions, to prevent my re-election being contested. Well, those communications were going on on the day to which the hon. and learned Gentleman has alluded, and I had the interview with him to which he has referred. Now, it is quite true I did seek the hon. and learned Gentleman somewhat in the manner which he describes; but really the fact is, I wanted to speak to him about some important matters, the most important of which, however, was my own election. [*Laughter.*] Am I, Sir, to understand from that laughter, that any hon. Gentleman opposite disbelieves what I am stating? If there be any such, let him or they stand up in their place and say so, and I shall be prepared to meet them. I should have said, that I do not in the least deny what the hon. and learned Member has said about my seeking him at the Reform Club, or writing to him at his private residence. The day on which the interview took place was Thursday. The hon. and learned Gentleman came into my room—and I do not in the least degree mean to deny that I was not able to find him before, and therefore I had written a note to his private residence asking him to see me—that was on Thursday. Well, upon that occasion we discussed certain different topics of various interest, and among them was the subject of my election. And I distinctly asked the hon. and learned Gentleman — and the House will bear in mind that upon this question the whole matter under discussion hinges—and I think that when the House hears it, coupling the question and answer together, it will come to the conclusion that never was a more serious charge uttered upon such trumpery and insufficient grounds. And I will afterwards tell the House why I put the question which I asked of the hon. and learned Gentleman, never thinking that it would afterwards be turned against me as an engine to damage my character. Well, I asked him this simple question—"If office had been offered to you under the new Government, would you or your friends have accepted it?" That question, Sir, I fully admit I did ask. It may have been an imprudent question — perhaps it was; it may have been an improper one—perhaps it was; but I may safely affirm it was not capable of being used for the object to which the hon. and learned Gentleman has converted it. The hon. and learned Gentleman's answer I very distinctly recollect. His answer was this:—"Are you asking me now seriously, or are you not? I think, after all that has occurred—after the part I and my friends have taken in the overthrow of the late Government—that some such an offer might have been made." After that, Sir, we proceeded to discuss the various topics connected with the prospects of parties at the moment; and in the course of our conversation the hon. and learned Gentleman asked me a question which I thought rather a peculiar one. He asked me, "whether any person in authority had authorised me to put to him the question which I had put to him?" That question he asked me. I said—as you have asked me that question, I can tell you that Major Beresford knew of my intention to ask it. ["Hear, hear!"] Now, Gentlemen opposite seem to think that here they have a most notable discovery; but let them wait a little, and when I describe the interview I had had with the hon. Member for North Essex, perhaps they will find that their sneers were rather a little precipitate. That answer I made to the hon. and learned Gentleman, because I was bound in honour to tell him the whole truth; and the reason of my putting the question I did to him was because I had a communication a few hours previously with the right hon. Gentleman the Member for North Essex (Major Beresford). Walking in St. James's-square I met the right hon. Gentleman; of course I stopped him, and asked, him "What was the news?" I said, "I wonder what position the Irish party are likely to take towards the Government." He answered, "I do not know;" and then said, "I am on friendly and intimate terms with the hon. and learned Gentleman (Mr. Keogh), and I will have no hesitation in putting the question to him; and, indeed, I will ask the question, as I have intended to do, as a matter of information for myself, whether they would be willing to accept office if they were nominated to it." The right hon. Gentleman then informed me that the Government had no unfriendly feeling whatever towards that party. Now, Sir, that is the reason, when the hon. and learned Gentleman asked me the question, that I felt bound to say the right hon. Gentleman (Major Beresford) knew I was going to ask the question; but I do declare that the right hon. Gentleman never authorised me to make any offer whatever. He never authorised me to ask the question which I did—for I felt that I myself was bound to put the question—but he did authorise me to make the statement in reference to the friendly feeling of the Government towards the hon. and learned Gentleman and his party. At the same time, it is right that the House should know, that, having the greatest objection to making what are called "authorised communications," I did not deliver the message in question to the hon. and learned Member. And, Sir, in further proof of the statement I have made, I can safely say I never did, until the day before yesterday, mention the result of my interview with the hon. and learned Gentleman to any living man. When the hon. and learned Gentleman left my room on that occasion, I own the impression left on my mind was an impression, strengthened by subsequent conversation, that no offer of office was likely to be made to the hon. and learned Gentleman; while, to do him justice, I on my part believed, that if such an offer had been made, it would have been refused. Well, Sir, let us go back a little to circumstances—let me call attention to the date at which this alleged offer was made. This alleged offer of office was made upon the Thursday, and that was the very day on which the Government offices were declared to be filled up. Yes, on that very morning the authorised list of the new Administration appeared in the *Times* newspaper; and, therefore, it is quite impossible, looking to facts, that the hon. and learned Gentleman can pretend to say, that, by any legitimate construction of my language, an offer of office was ever intended to be made to him. I fully admit that taking the words by themselves, unaccompanied by the statement which I have made—and which I declare upon my honour to be perfectly true—that there is a considerable probability for the inference which the hon. and learned Gentleman has drawn from it. But I can safely say that I put the question that day to the hon. and learned Gentleman—and I have a distinct recollection of the circumstance—as a mere matter of friendly conversation, and not with any view of drawing the hon. and learned Gentleman into any admission by which I could bind him at any future time. I asked the hon. and learned Gentleman the questions, simply for my own satisfaction, what were his feelings in regard to the non-offer of office to him or any member of his party; and I think, if the hon. and learned Gentleman recollected the afterbirth of the conversation, he must admit that it took completely this turn—namely, as to what course the hon. and learned Gentleman and his party, and the general parties of the House, were likely to take in reference to the new Government? That, Sir, is the statement which I have to make concerning the interview which I had with the hon. and learned Gentleman. And when I assure the House again and again that I never did mention the subject of this interview to any member of the Government, or, indeed, to any person whatsoever, I think I can lay my hand upon my heart and ask the House to believe that every word I have said is true. Sir, a letter has been produced, which, I own, has filled me with considerable astonishment, stating that I said in a railway train, going from this to Dublin, that I had made an offer of office to the hon. and learned Gentleman and his friends. Sir, it is perfectly impossible that I could have made that statement, and I cannot believe that I ever did so. I cannot suppose that the hon. Gentleman who wrote that letter would willingly make any assertion which he thought was not true; but I say the hon. Gentleman is under a great mistake; for will the House believe that I would mention the subject to an hon. Member in a railway carriage—a political opponent, too—which I had never mentioned to any other person whatever? What could have been my object in making such a statement to Mr. O'Flaherty, so totally at variance with the truth? I now content myself with saying that I never did make the statement referred to. I have now, Sir, told my story of those private interviews. Perhaps, viewed through the light of Parliamentary tactics, where everything that is done by a public man is supposed to be done with a motive, there may be some Gentlemen who will not credit my disavowal of such an intention. In this matter, however, I feel nothing whatever to reproach myself with. I communicated freely and frankly with the hon. and learned Gentleman, under the circumstances I have now related; and when I was asked the question, upon which the hon. and learned Gentleman lays so much stress, I answered that question candidly. Now, therefore, when it is sought by that answer to implicate me and other distinguished individuals in charges which have not the slightest foundation, I think that such a course is calculated to convey a low idea of what some persons entertain of the honour of public and private men. Sir, I freely admit the great talent and eloquence of the hon. and learned Gentleman. I admit that the hon. and learned Gentleman is able with all the plausibility of an experienced lawyer to get up a case against me, as if he were getting up a case against a prisoner at the bar. But I believe that the ingenuity he has shown on the present occasion, however great, will not avail him in effecting the object which he has in view. I believe that the authorities which I have adduced in support of my defence, and the pledge of my honour and my word to the truth of every word I have said, will be sufficient to satisfy the public and this House that I have spoken according to the exact facts of the case. But, Sir, I must say I freely admit that I may have committed an error in the course I had taken; but I maintain that that error was not one of principle, but one of judgment. It was an error of judgment, because I believed that in those conversations I was freely and frankly communicating with a gentleman, who, though a political opponent, was, as I then believed, a friend. Sir, I regret to say that in this House Parliamentary warfare seems to be degenerating into recriminatory and personal attacks; and that it is deemed by some hon. Members an object sufficient for statesmen to endeavour to attack and damage the character of a political opponent. Such, Sir, will never be my course —it never was my course; and, in spite of the plausible statements of the hon. and learned Gentleman, I trust that it is a course which the House generally will not indulge. I sit down, Sir, reiterating my belief that I have not on the occasions referred to, nor on any other occasion, done anything that was in the least degree derogatory to that character which the humblest of us must be desirous to vindicate and uphold—the character of an English gentleman.

MR. BERESFORD: Sir, I have listened with serious attention to the lengthened speech of the hon. and learned Member for Athlone; and I have also attended to the explanation which my noble Friend has given upon this occasion. I come here, Sir, not for the purpose of making a declamatory speech, but prepared distinctly to state what I know upon the subject; to stand by what I have done, and to mention to the House all I know of the state of the transaction. It strikes me, Sir, that the statement of the hon. and learned Gentleman divides itself into two distinct parts. The first relates to an offer, or a hinted offer, of office to him and his friends, made by my noble Friend who has just sat down, and authorised by me. That is the first question. The second is a private conversation which the hon. and learned Gentleman details to have been held between him and me, evidently, by his own account, in a secret and confidential manner, and which has now been brought forth, as is the custom in this House and of these times, as condemnatory of myself and corroborative of the accusations now brought against my noble Friend, as I think, without any foundation. With regard to the first accusation, without disputing about words in a Jesuitical sense, as to whether office were "offered," or were "hinted at," this I distinctly state, in the presence of the hon. and learned Gentleman, and in the presence of this House and the country, that no man whatsoever authorised me to offer, or to hint at the offer, of office to the hon. and learned Gentleman; and that I, not being so authorised myself, never did authorise or hint to my noble Friend, either directly or indirectly, to offer the same to the hon. and learned Gentleman. But there are circumstances, luckily, without searching for evidence—without writing here or sending there to one hon. Gentleman and another—there are, luckily, circumstances which do assist this fair and explicit denial upon my part. My noble Friend and I had a conversation in St. James's-square upon Wednesday, the 25th of February, last year; and if I had then authorised my noble Friend to offer place, or to hint at the offer of place to the hon. and learned Gentleman, is it within the verge of possibility, or is it probable that, having given such a commission to my noble Friend, he, from that date until last Monday, should never have mentioned the conversation which he had had with the hon. and learned Gentleman, or have given me the slightest answer to my communication? Why, the simplest understanding, the most unsophisticated reason, can see that if a person who is in direct communication, and who boasts, as it is said, of being in direct communication, with the newly-appointed Prime Minister of England, sends an official offer to an hon. and learned Member, who I admit is a man of great ability, he would not be satisfied without once asking for an answer, or inquiring what was the result of the conference. I say that reason and common sense show that it is impossible I should have done so. As to my boasting of being in communication with the Earl of Derby, or any other Member of the Government, or of the Opposition, that is not my method. When I do anything, I take the responsibility. ["Hear!"] Ay, I take the responsibility upon myself. I commit not others, nor bring them in; I do not communicate private conversations, nor compromise other persons; and I wish that hon. Gentlemen, who are so ready to sneer, would have the same respect that I hope I shall ever have for a confidential communication, and would not make use, for the purposes of attack, of private words, spoken, perhaps, in a friendly and unguarded moment. Now, Sir, it is perfectly true, that upon Wednesday morning, the 25th of February, I met my noble Friend by accident in St. James's-square, and that we conversed for some time together. He did inform me that he was most likely to see the hon. and learned Gentleman, and would ascertain from him what the feelings of the Irish Members were with respect to the new Government. I said, and I repeat it here openly, that I thought it most likely, as office had not been offered, either to the hon. and learned Gentleman or to his friends, that he and his friends, having assisted as they had in turning out the late Government, would be discontented; and I added, "It cannot be helped; only I do tell you that I believe there is a friendly feeling towards them; and, individually for myself, I should thank you to convey that to Mr. Keogh;" because, as is well known to many Members here, formerly there had not been the greatest kindness and most friendly feeling between us. I wished not to offer him place, but to convey, that if we had been foes, "don't let it continue." It happened, however—and I only heard it within this week—that my noble Friend did not communicate the message. Certainly, he never gave me any answer to it; and circumstances occurred which made it impossible for me to have seen him within a very few days; and after those days had elapsed, he went to his election in Ireland, and I did not think it necessary to ask the result of his conversation with the hon. and learned Gentleman, or if he had ever delivered the message; but, of course, I thought most likely that he had done so. I now come to the second part of this accusation, and, as I said before, I do protest, though I am going into it, at any accusation being made against myself or my noble Friend which is founded upon private and confidential communications between two Gentlemen. Some time in the month of May—towards the end, I believe—the hon. and learned Gentleman made in this House what I should call a virulent attack upon the right hon. Gentleman the Member for Buckinghamshire. I happened to meet the hon. and learned Gentleman the present Solicitor General for Ireland shortly after, and I then, not in the civil, not in the gentlemanlike, not in the Parliamentary language which he has made use of, but confidentially and quietly said to him that I was astonished at the violence, and I might add, the malignity, of his attack, and that I did not expect it from him. After that, I think, some conversation passed, and I asked—not stating it as a fact, but asked as a matter of inquiry from him—whether he had not received, through my noble Friend, a kindly and friendly communication from myself? I was simply desirous of ascertaining whether he had received that message or not; and that is the conversation on which the hon. and learned Gentleman now rides off, and attempts to show that I had authorised my noble Friend to offer him office. As to the offer of office to the hon. and learned Gentleman by Lord Derby and his Government, I firmly believe that his imagination being, as it is, Hibernian, is extremely brilliant; but if he means to say that the office of Solicitor General for Ireland was offered to him— [Mr. KEOGH: No, no!] I can only say that "the wish was father to the thought." I repeat, that I never made him any offer whatsoever, and I entirely repudiate having authorised any other person to do so. Before I sit down I must say again, that I do deprecate that spirit which seems to animate hon. Gentlemen opposite to make public matter of that which is private and confidential, to break down that greatest and surest barrier which stands in the way of the destruction of private and public honour, and to uproot that confidence which one gentleman ought to feel in the honour of another. I do protest against what I must call that prostitution of private documents, and that exposure of confidential communications, which derogate from the honour and dignity of this House, which deteriorate the high character of public men, which are detrimental to the interests of the State, which upset all the feelings one man can entertain in the honour of another, and which must have a tendency to reduce, as it were, Members of Parliament to the solitary system; for no man can speak to his neighbour lest his conversation be revealed, no man dare write lest his letters be brought against him, and no man can go forth and share in the usual intercourse of life, but he must be guarded and secret in all his actions, or things will be laid to his charge which he never thought of and never intended. There is one other subject, and I have done. The hon. and learned Gentleman has greatly complained of the conduct of some of our friends for what he calls prejudging the question. He says that statements have been made in the House of Lords prejudging the question; and that they were not content with one night, but must have two nights of it. But I say that not only have statements been made in the House of Lords, and in this House, and elsewhere, on the side of the hon. and learned Gentleman, but a long and voluminous and unproved statement of these occurrences was published in the *Morning Chronicle* of Monday last, detailing these facts, and much of the evidence, which we have heard here this evening. I consider, Sir, that that is prejudging the question, and in a manner that is neither fair, manly, nor open. That could not have been done except with the authority of the hon. and learned Gentleman himself. I say, then, that there has been prejudging on the other side worse than anything which has been done on our side, and that it has been done in a secret way—in a way worthy of one who is ready to divulge in this House a confidential conversation, and to betray the confidence of friendly intercourse.

MR. NAPIER: I must ask the attention of the House for a few moments while I explain a matter which is open to some misapprehension. It has been commented upon by the hon. and learned Gentleman, and by the public press, as a singular circumstance that Lord Derby should have stated in the House of Lords that he had heard the rumour before, and had given authority to contradict it; whereas the Earl of Eglinton stated that he heard it then for the first time. I belive that I was the cause of that difficulty having occurred, and it arose in this way:—Shortly after I returned to Ireland, after the change of Government, a gentleman connected with the Kildare-street Club came to me and told me that it had been rumoured there that an offer of office had been made to the hon. and learned Gentleman. I immediately denied that; and he asked me to give a contradiction to it in writing. I did so at once. A few days after that another gentleman, a member of the bar, called on me, and said that he had heard it stated once or twice in professional and private circles that an offer of office had been made by Lord Derby to the hon. and learned Member for Athlone, and he added, "If it is not true, it is very important to have an authoritative contradiction of it, because it is doing your party harm." I said, "I'll tell you what I'll do; I'll write to Lord Derby at once. I know he is at Knowsley, and he will give an explicit answer." I accordingly wrote to Lord Derby; and that is the way in which he came to know of the rumour at that time. His Lordship replied, on the 3rd of February, 1853, from Knowsley. In reference to the inquiry, whether, at the time of the formation of the late Government, an offer of office was made to the hon. and learned Gentleman, he says, "that neither then nor at any other time was any such offer made by my authority or with my knowledge." He then states that he had enclosed my note to Mr. Disraeli, and had that morning received his answer. He adds these words in reference to the reply of Mr. Disraeli:—"It is as full and satisfactory as it was possible to be, and I enclose it to you for your satisfaction. You may therefore, I think, state, without fear of contradiction, that the assertion is destitute of any foundation, and that no offer nor overture of any kind was made to Mr. Keogh, by or on the part of the late Government." I gave that answer to the member of the bar who had spoken to me on the subject. He was a friend of the hon. and learned Gentleman's, and I said, "You may show it to any one you please." In that way the matter came to Lord Derby's ears. But I never mentioned the subject to Lord Eglinton, nor did he hear of the interview which occurred between my noble Friend near me (Lord Naas), and the hon. and learned Gentleman, until within the last few days.

MR. I. BUTT: Although I am reluctant to make any observations upon the present question, I confess I should be still more reluctant that the House should misunderstand the position which I occupied in the statement made by the hon. and learned Gentleman (Mr. Keogh). It is true that on the evening of the levee day referred to, I called upon the noble Lord, with a view of speaking to him on the subject of his standing for Kildare, and giving him some information which I thought might be useful to him. I, however, found that the hon. and learned Gentleman the Solicitor General for Ireland was at the time in conversation with the noble Lord, and I was thus detained a few minutes before I could see the noble Lord. I thought no more of the circumstance. The hon. and learned Gentleman having a few days ago met me in the lobby of the House, informed me that it was important to the vindication of his character that he should have my evidence upon the point, that when I called upon the noble Lord I found the hon. and learned Gentleman in conversation with him; but, said the hon. and learned Gentleman, "If you have any objection I will not ask you." I said that "you must not make it a matter of feeling—if you think that evidence important to you, make use of it." I added, that I hoped he knew well enough to be aware that I would not willingly interfere in the matter. He then said, "Do you recollect that you were kept waiting a considerable time while I was engaged in an interview with the noble Lord?" The suggestion came from the hon. and learned Gentleman himself. I did not volunteer the evidence. I said I was certainly kept waiting for some time; but the fact was it was late in the evening, and I was engaged to dine with some friends. Under such circumstances I do not think that I could be a very impartial judge of the number of minutes I was kept waiting. When at length I saw the noble Lord, I was informed by his Lordship that he had had an interview with the hon. and learned Gentleman. Nothing further occurred in reference to that interview. My next step upon hearing that the question was to be raised, was to take the first opportunity of meeting my noble Friend the Member for Coleraine, to tell him exactly what had taken place between the hon. and learned Gentleman and myself, and to tell that the hon. and learned Gentleman had—not my permission, because in such a case it was not for me to give or to withhold permission—but that I had told him I could offer no objection to stating the fact that he had been visiting the noble Lord that evening. This is the entire amount of my connexion with the matter; and I can assure the House I am very reluctant to interfere in a discussion which, however, I am happy to see is likely to terminate in a better spirit than it was likely to do when it commenced.

Mr. DISRAELI: There is no Motion, Sir, before the House; but I thought, as my name has been introduced very frequently in this discussion, that I should, perhaps, not be considered intrusive if I presumed to offer a few observations. The House will recollect that really the question before us is one which I think ought never hardly to be introduced. The real question is as to the veracity of two Members of this House—because I do not suppose that any Gentleman will for a moment pretend that there were any circumstances which did not justify the late Administration to offer office to the hon. and learned Gentleman if they thought proper. I beg the House to recollect the circumstances under which the hon. and learned Gentleman was placed with regard to the great body of Gentlemen who were sitting on this side of the House at the time when the Government of the noble Lord the Member for London was broken up. The hon. and learned Gentleman was, I think, returned first to the Parliament of 1847. He was returned as the only Roman Catholic Member who entertained Conservative opinions; and, of course, that alone was a combination of circumstances which gave him almost a position when he entered the House—a position which he sustained by his abilities. The hon. and learned Gentleman took his seat, of course, among the Conservative ranks, and he became a member, as most Gentlemen who profess Conservative opinions do, of the Carlton Club. He upheld the commercial policy of Sir Robert Peel; but at the same time he sat with us, and there were many questions on which he acted with us. He was in communication with my late lamented friend Lord George Bentinck, who had a high opinion of his abilities, and at the very moment when the Government of the noble Lord the Member for London broke up, he was in personal communication with the noble Lord the Member for Coleraine (Lord Naas), as the manager of what may be fairly styled a party question. The Government of the noble Lord the Member for London within twenty-four hours of the then debate ceased; and I can conceive many reasons why office should have been offered to the hon. and learned Gentleman by the Government of Lord Derby. He entered Parliament as a Conservative; he had acted with us on many occasions; he had been actively occupied in respect to a Motion which was brought forward certainly with a view of injuring the then Government, at the very moment that Government ceased to exist, though not in consequence of that Motion; and he was a Gentleman of acknowledged ability and talent. I say, therefore, that there was no reason whatever why office should not have been offered to him; and, so far as I am concerned, I, speaking my own opinions, should not, at that moment, have either been astonished or displeased if office had been offered to the hon. and learned Gentleman, and had been accepted by him. The question now is, whether the statement of my noble Friend, or that of the hon. and learned Gentleman, is the true one. The House will recollect that my noble Friend has no interest or object whatever in making a statement which is not perfectly true; because there would have been nothing irregular, unjustifiable, or improper, or anything that was not completely warrantable, if my noble Friend had offered office to the hon. and learned Gentleman, and had been authorised by Lord Derby to do so. I was imperfectly acquainted with the details of this question until I entered the House this evening. I have listened with great attention to the statements of my noble Friend, and of the hon. and learned Gentleman. I have brought an impartial judgment to the consideration of the matter —because I always appreciated the ability and respected the career of the hon. and learned Member for Athlone, so far as I am acquainted with the hon. and learned Gentleman in this House; and I do express, it may be my individual but my sincere opinion, that the impressions of my noble Friend and the hon. and learned Gentleman are both perfectly reconcilable with the facts of the case. The noble Lord says that at the moment when these transactions took place he was in relations of intimacy with the hon. and learned Gentleman; he was in the habit of receiving his visits and communicating with him. The noble Lord was at the moment communicating with him on a subject of the greatest interest and importance to the noble Lord—namely, the chance of the noble Lord being able to preserve his seat for the county of Kildare—a circumstance of which the hon. and learned Gentleman was a very good judge, and in reference to which he might have been of great service. The very fact of my noble Friend appealing to the hon. and learned Member on that subject, and of the hon. and learned Member responding to that appeal, proves the terms on which the two were living. I believe that on the day referred to, three days had passed since the appointment both of Attorney General and Solicitor General for Ireland had taken place; the list of the new Administration was complete; and the only appointment which had not taken place was that of my noble Friend himself, in consequence of the difficulty about his seat. Under these circumstances my noble Friend, not having the slightest authority, as he has stated, to make any offer to the hon. and learned Gentleman—because, irrespective of every other consideration, there was no place that could be offered to him—was nevertheless extremely anxious, naturally regarding the prospects of a new Government, with parties equally divided, to ascertain what might be the probable course of the hon. and learned Gentleman and his friends, in a new Parliament in reference to the new Government. Now, let the House divest itself of any prejudices either on one side or the other, and I ask, what was more natural (these relations of intimacy existing at the time the new Government having been formed), than that my noble Friend, especially as he had had a recent conversation with my right hon. Friend the Member for Essex, should have sounded the hon. and learned Gentleman whether there was a prospect of the hon. and learned Gentleman and his friends assuming an attitude of considerable opposition to the new Government? That I take to be the state of the case as regards my noble Friend. Well, then, take the position of the hon. and learned Gentleman. He finds himself in confidential communication with one with whom he was intimate, and who had become a Minister of the Crown; from friendly feelings he is absolutely assisting my noble Friend, and my noble Friend endeavours to ascertain what might be the future conduct of the hon. and learned Gentleman and his friends by asking him in this way, "Now, what would you have done if Lord Derby had offered you office?" It is far from impossible that the hon. and learned Gentleman might have considered that as something more than what I sincerely believe it was intended to convey, and that he might have fancied that it referred to certain results more important than the nature of the circumstances rendered even practicable. Taking the statements of my noble Friend, and of the hon. and learned Member, it would seem that they formed opposite inferences from the same facts; and this, so far as I can collect, is the true and sound view of the case. There is one circumstance to which I wish to refer, and that is the appeal made to the hon. and learned Gentleman, which seemed to have resulted from some misapprehension on the part of the right hon. Member for Essex. It seems, from what the right hon. Gentleman has stated, that the hon. and learned Gentleman had indulged in a vein of great invective against me on more than one occasion. I appreciate the talents of the hon. and learned Gentleman highly, but I do not exactly recollect the invectives referred to; but I am quite convinced that the invectives even of the hon. and learned Gentleman, however sustained, and however continuous, would never have influenced me, directly or indirectly, to send the hon. and learned Gentleman a message of the kind referred to. I always think that invective is a great ornament of debate, and I hardly know how we could get through some dry statistical nights, if our discussions were not in some degree varied and rendered a little pungent by that arm of eloquence. When I had the honour of being a Minister, bearing invective was that part of my duty which I found the least onerous; and I can assure the House, although the hon. and learned Gentleman may have indulged in those invectives which I have innocently forgotten, but which seem to have alarmed my friends at the time, and to have been one of the great causes of this unfortunate misapprehension, that, so far as I am concerned, I am confident I always listened to the attacks of the hon. and learned Gentleman with undisturbed satisfaction. I do trust that the House will take the right view of this case. There is nothing in it that at all affects political principle of any kind. Every one will admit that Lord Derby would have been perfectly justified had he offered office to the hon. and learned Gentleman, and that he would have been perfectly justified had he accepted it. This is a discussion which has arisen out of other circumstances, and is strictly limited to the opinion which the House of Commons may have as to the veracity of two distinguished and respected Members of this assembly. Now, though I should shrink from an investigation of such a nature, I would pursue it if I thought it an act of duty; but, after having listened with the greatest attention to the statements both of my noble Friend and of the hon. and learned Gentleman, I must say that I do find them irreconcilable; and I warn the House not to subject every expression that may fall in private life to that keen scrutiny which we apply to official documents and public conduct. We shall be rendering intercourse between man and man, and gentleman and gentleman, more difficult and disagreeable every day, if we put always the most uncharitable construction on their observations, or subject every word and circumstance in the intercourse of private life to keen criticism. I think the hon. and learned Gentleman and my noble Friend were entirely influenced in their original conduct by kind and genial feelings. Circumstances have subsequently occurred on which I will give no opinion as regards the conduct of the hon. and learned Gentleman, until they are fairly brought under our notice; but, so far as the present matter is concerned, I consider that he has done nothing, as a gentleman and officer of the Crown, but what became him. With respect to all that has passed before us this evening I am of opinion that the honour of both the noble Lord and the hon. and learned Gentleman, so far as the present matter is concerned, is clear and unimpeachable, and I shall be glad to find on both sides that such is the general feeling of the House.

Lord JOHN RUSSELL: Sir, I trust that the House will not lose sight of what I think a material result of this discussion. Hon. Gentlemen, and the noble Lord especially, the Member for Coleraine (Lord Naas) have complained that private conversations have been repeated, and private letters have been read; but be it remembered that the whole of these discussions have arisen from a personal attack upon an hon. and learned Gentleman holding the high and responsible office of Solicitor General for Ireland—an office than which there is hardly any that requires more the confidence of the public at large in order that its functions may be discharged with advantage. With respect to an hon. and learned Gentleman who holds that situation, a person of no less station and dignity than one who was lately the Lord Lieutenant of Ireland, under the Earl of Derby, stated that it was the "least reputable appointment" that Her Majesty's present Government had made. Now, without referring to this, the immediate point of the fact upon which there is some, but in my opinion very little, dispute, let me observe what is the result of the present discussion. The noble Lord the late Chief Secretary for Ireland (Lord Naas) says that when the late Government was formed, he was in friendly communication with the hon. and learned Gentleman (Mr. Keogh); that, before he received that appointment, he held that friendly communication with him, and that he for that purpose endeavoured to ascertain what his feelings were with regard to the Government about to be formed. The right hon. Gentleman the late Secretary of War (Mr. W. Beresford), who held a Privy Councillor's rank, and was in immediate communication with the Members of that Cabinet, afterwards authorised the noble Lord to state that the feelings of the Government towards the hon. and learned Gentleman and his friends would be of a friendly description. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) states that his opinion of the talents and abilities of the hon. and learned Gentleman, and his observation of the course that he had pursued in political life, would have led him to think it quite natural that an offer of office should have been made to him, and that he, at least, would not have been surprised, nor would he have disapproved of such an offer. Why, this is the result, then—a result which the hon. and learned Gentleman may, in the very first instance, be proud of obtaining—such testimony against the justice of the accusation and imputation which has been made on his character by one who held so high an office in the late Government. That accusation—that imputation—is swept away. It is gone—and gone for ever. Then, with regard to the point immediately under discussion, I can hardly say, as the right hon. Gentleman (Mr. Disraeli) has done, that there is a doubt with respect to the veracity of two hon. Members of this House. Recollections are, no doubt, imperfect; but the statement of the noble Lord tonight, I think, confirms that of the hon. and learned Gentleman. There are different words and different expressions. The noble Lord knowing, doubtless, his own meaning, does not give the same sense to the words which he spoke; but, even supposing that his account is precisely accurate, and his memory unfailing, I would defy any man to receive such communications as the noble Lord made when a Government was in the act of formation—["No, no!"] Well, I will stop for a moment on that point. The noble Earl (the Earl of Derby) received a commission from Her Majesty on the Saturday evening, I think it was, to form a Government, and we are told that on the Thursday evening all the appointments had been filled up. Well, I say I very much doubt whether that was the fact; but, at all events, I think it cannot be doubted that the public could not be fully aware—and that a Member of this House could not be fully aware—whether all those offices were filled up—because it constantly happens that some of the arrangements contemplated do not take place—that some persons who accepted office in the first instance, afterwards decline it—and that thus vacancies arise of which the public are not aware. I say, then, I defy any man to have such communications as the noble Lord made to the hon. and learned Gentleman, and not believe that the question was, if the hon. and learned Gentleman were willing to accept an office, some office or other would be likely to be offered him; and that impression would have been confirmed when, as the noble Lord himself says, he was asked if he had authority for making that statement, and he replied, "Yes," and that the right hon. Gentleman, who was known to be intimate with all the concerns of the party, was his authority for the question. I say, again, that it was impossible to receive that statement in the sense which the noble Lord meant to convey, according to his account to-night; and that nothing was more natural, at all events, than that the hon. and learned Gentleman should suppose that an offer of office, either immediate or prospective, was in the intention of the noble Lord. Well, then, if that was the case, I do not think there is any difference, which can be said to be a difference, affecting the veracity of two Members of this House, in respect to the particulars of a conversation, which it appears lasted twenty minutes, and occurred in the month of February last. But there is another circumstance which, to use the words of the late Lord Lieutenant of Ireland, is, I think, not "reputable" to the noble Lord (Lord Naas). The circumstances being such as he himself has admitted and related, when the noble Lord received from the Solicitor General for

Ireland, a letter requesting him to state whether or not the noble Lord had asked him, if an offer of office was made to him he would disposed to accept it, or any similar proposal—I think the noble Lord should have said, "The circumstances were so and so. The question I asked you was of this nature. It might have given you the impression—but I cannot think it a right one—that I meant to have offered you office. That was clearly not in my mind; but you are fully justified in supposing that that was the case." In candour and fairness the noble Lord ought to have said that. And I cannot conceive any man receiving such a letter, and having such a conversation, and the circumstances being such as have occurred—I cannot conceive any man answering by saying, "I have to declare that neither directly or indirectly was any offer of office made to you." [Lord NAAS: There was not.] That statement was made by the desire of the noble Lord, conveyed by message to a noble Earl, and repeated by that noble Earl in the other House of Parliament in the most direct and positive manner. And I must say that such a want of fairness, such a want of candour, and such a want, I should say, of honourable consideration for the feelings and character of a person with whom he had been on terms of friendship, it has seldom been my lot to witness. And all this, be it observed, from a noble Lord, who, although he says he is not much used to make speeches in this House, yet is one who is particularly nice with regard to public conduct, and who not very long ago constituted himself into a public accuser. He, therefore, should be remarkably careful in the conduct he pursues towards those whom he happens to be politically opposed to. As to the result of this whole matter, I do not think that there is any reason to doubt the veracity either of the Solicitor General for Ireland or of the noble Lord; but I think, by his own showing and by that of the right hon. Gentleman who spoke after, that there was every reason for the hon. and learned Gentleman (Mr. Keogh) to suppose that the Government of the Earl of Derby would be willing to offer him office. Whether that were so or not, there is no reason to doubt the veracity of either hon. Member; but there is reason to regret that it should be necessary to state private conversations and to read letters in this House in order to do away with the effect of a rash and reckless accusation, and that the late Lord Lieutenant of Ireland should have taken the opportunity, in the absence of the hon. and learned Gentleman (Mr. Keogh), to make an unfounded attack upon his character.

SIR JOHN PAKINGTON: The noble Lord, in the address which he has just delivered to the House, has assumed a tone which I think the circumstances by no means justify. And I must say that he is the more open to remark, and I feel the more bound to meet that speech with some observations, in consequence of the marked difference between the tone of the speech of the noble Lord and that of my right hon. Friend (Mr. Disraeli). Anything more judicious, more conciliatory, or, in my humble judgment, more consistent with the facts, than the speech of my right hon. Friend, I never heard in this House. Nor did I never hear a tone of triumph less justified, or a tone of sarcasm less called for, than that which has constituted so remarkable a feature in the speech of the noble Lord. The latter part of the speech of the noble Lord was directed against my noble Friend (Lord Naas), in terms of harshness and of censure to which I think my noble Friend is not open upon any account, but least of all upon account of the speech he has delivered this evening. My noble Friend replied to the elaborate and carefully-prepared speech of the hon. and learned Gentleman (Mr. Keogh), by avowing that he was not used to the habits of debate in this House, and by telling a plain tale in a tone and manner consistent with the facts of the case—in a manner, I say, that must have carried conviction home to the mind of every man who heard him. I agree with my right hon. Friend (Mr. Disraeli) that, as regards the statements we have heard this evening—the one made by the hon. and learned Gentleman, and the other by my noble Friend—there is nothing irreconcilable between them. My right hon. Friend has referred to the question as one of veracity, as between my noble Friend and the hon. and learned Gentleman. But I should be inclined to put it even more mildly than that, for, after having listened attentively to the whole of this discussion, I should regard it as simply a question of memory between them. My noble Friend does not deny certain expressions having reference to the possibility of his being offered office, which he addressed to the hon. and learned Gentleman; but he states—and there is nothing in what the hon. and learned Gentleman has said the least inconsistent with that statement—that it was in order to satisfy himself as to the tone of feeling of a particular party in this House, and that the language he used was, whether, if such an offer had been made, would it have been accepted, the office at that moment being filled? Now this is a most important fact. The noble Lord (Lord John Russell), however, throws doubt upon it. I admit that I am speaking from memory, but I believe the fact to be, that the whole Government was at that time formed; above all—and this is of more immediate importance to the question—that the whole of the law officers for Ireland had been appointed at the time. Still, I admit that this fact might not have been within the cognisance of the hon. and learned Gentleman; therefore he might have thought the language had a direct intention, instead of being only, as it really was, a question of what might have been the case under other circumstances. But what I wish to call the attention of the House to—particularly after the tone of triumph indulged in by the noble Lord the Member for London (Lord John Russell)—is, that in the question which has been raised this evening there are two different issues. I would rather have abstained from referring to the second of these issues; but I apprehend I am correct in stating that the two issues are these. The whole of this proceeding has arisen, if I understand it rightly, out of certain language used in another place—namely, the expression that the appointment of the hon. and learned Gentleman to office was the "least reputable" of the appointments made by the present Government. I am speaking under correction; but I believe I am right in saying, that the answer was immediately made in another place—and it was considered to be an answer to that expression—that the offer of office was made by the Earl of Derby's Government to the same individual. Now, from this answer has arisen the first question, namely—whether or not that offer was made by my noble Friend the Member for Coleraine. That is one of the issues raised; and the noble Lord (Lord John Russell), after this conversation, which referred solely and exclusively to what passed between my noble Friend and the hon. and learned Gentleman, now assumes a tone of triumph, and says that the question whether or not that was a "reputable appointment" has been triumphantly disposed of. I join issue with the noble Lord upon that point. I own I would rather not have referred to it. I had no intention to refer to it; and I would not have referred to it if had it not been for the tone and language of the noble Lord. But I now feel called upon to state to the House my opinion, and to appeal to the House if I am not justified in that opinion, that the two questions are different and distinct, and have nothing whatever to do one with the other. My right hon. Friend (Mr. Disraeli) has stated—and I concur in every syllable he said—that there was no reason whatever why the Government of Lord Derby should not have offered office to the hon. and learned Gentleman. The hon. and learned Gentleman, as my right hon. Friend truly stated, has uniformly proved himself, ever since he has had a seat in this House, a man of considerable power and ability. The hon. and learned Gentleman came into this House an avowed Conservative. He was a member of the political club of which the Conservatives are Members. At the moment the Government of the noble Lord was destroyed, the hon. and learned Gentleman was in communication with my noble Friend on an avowedly party act, which was decided the very day the noble Lord was defeated by the noble Viscount who now sits beside him. And looking at the fact that the hon. and learned Gentleman was a Roman Catholic—a Conservative Roman Catholic and an Irish Member—I see no reason whatever—there had certainly been nothing in the conduct of the hon. and learned Gentleman, that I am aware of, that amounted to anything like a disqualification or a reason why the Government of the Earl of Derby might not have offered him office. But the language used in another place, that that was the "least reputable appointment" of the now existing Government, has nothing to do with the state of affairs to which I now refer. I say it is another issue. I say it is a distinct question. The hon. and learned Gentleman said, with some triumph in his tone, that he was face to face with my noble Friend the Member for Coleraine. I am now face to face with the hon. and learned Gentleman, and speaking without having entertained the least idea that I should have taken part in this debate. I am therefore not prepared—under the circumstances I cannot be prepared—to quote any particular language, or to describe any particular circumstances. But what has led to this impression, if I am right in my opinion, and I will not shrink from saying that what has led me to share in this impression is, that one of the most conspicuous Members of the present Government being the statesman who introduced the Ecclesiastical Titles Bill, since the period of the formation of the Earl of Derby's Government—if I am rightly informed, during the period of the last general election—the language and the conduct of the hon. and learned Gentleman—Her Majesty's Solicitor General for Ireland—with respect to that particular law, so introduced and passed by the noble Lord, was such—I invite the hon. and learned Gentleman to make any explanation he thinks proper—but if I am rightly informed, and if the public are rightly informed—the conduct of the hon. and learned Gentleman was such as not to make it a "reputable appointment" for a Government that took part in the passing of the Ecclesiastical Titles Bill. I think that the conduct of the noble Lord himself is involved in being a party to the appointment of such a man—a man who is said, I know not with what accuracy, but—who is said, ostentatiously, publicly, and flagrantly to have trampled that Act of Parliament under his feet. I make this statement in the hon. and learned Gentleman's presence, and, if wrong, it is open to his correction. But I myself have read language of his in a public speech, delivered by him in Ireland, upon the subject of the Ecclesiastical Titles Bill, which, to my mind—assuming the reports I have read to be correct—makes the appointment of the hon. and learned Gentleman one which it is not to the credit of the present Government to have made—one which strikes, in my judgment, at the credit of the noble Lord who was a party to it. There are other facts. I have also read the language of the hon. and learned Gentleman with reference to other subjects. I have read one of the most solemn appeals to the Deity that I ever recollect reading—one of the most solemn pieces of language that any human being could use—pledging, deeply pledging that hon. and learned Gentleman never to take office under any Government that would not make the Tenant Right Bill of Mr. Sharman Crawford a Cabinet measure. I have adverted to these topics in the presence of the hon. and learned Gentleman. For a long time I felt so indignant at his appointment that I kept extracts from these speeches by me in the event of any debate coming on in this House having reference to the subject. The affair is now over, and I am not sure whether I have these extracts in my possession or not, but they are to be found in speeches of his which have been reported in the public newspapers. They are become public property. They are also easily accessible, easily to be found and quoted, and the hon. and learned Gentleman may refute them if he can. But certainly my opinion is that the conduct of the hon. and learned Gentleman to whom I refer, having occurred since the conversation between him and my noble Friend (Lord Naas), having nothing whatever to do with that conversation, but having occurred long subsequent to it—this I imagine to be the ground of the expression used in another place with regard to its not being a "reputable appointment," and I think I am perfectly justified in what I began by saying, that the two questions are distinct and different. Upon the one question every impartial listener will say that my noble Friend has made a statement at once straightforward, truthful, and clear; and that the other yet remains to be cleared up.

Mr. KEOGH: I am sure the House will indulge me for a few moments, after the statement just made by the right hon. Gentleman. But before I proceed, allow me to return my thanks to the right hon. Gentleman the Member for Bucks (Mr. Disraeli) for the extremely kind, most generous, and, I fear, undeserved expressions he was pleased to use towards me. For those expressions I am most thankful to the right hon. Gentleman. I feel that, as to my personal character, the language of the right hon. Gentleman is an ample vindication, and a complete compensation for any attack made upon me elsewhere. And I cannot but admire how, after we have been engaged in discussing so insignificant a subject as my personal character for three hours—after I came down prepared to meet the issue between myself and the noble Lord—after the right hon. Gentleman opposite has expressed his full and complete vindication of the propriety of offering me office—for he was pleased to say he had watched my career, and he would not have been surprised or dissatisfied at my being offered office by the Government of which he was so distinguished a Member—another right hon. Gentleman, a colleague of his, should have abandoned the ground taken by the right hon. Gentleman, and brought forward a perfectly different issue. [Sir J. PAKINGTON: Not at all; not at all!] Will any hon. Gentleman I see opposite say there was a single syllable uttered by Lord Derby, or the noble Earl the late Lord Lieutenant of Ireland, with reference to my conduct on the Ecclesiastical Titles Bill? Is not this new ground taken by the right hon. Gentleman? I can assure him it is both new and perfectly unsafe; because, so far from my having ever spoken at a meeting on the Ecclesiastical Titles Bill in a manner which would have disentitled me to the confidence of the Government to which I now belong, since the noble Lord held his communications with me, I can tell the right hon. Gentleman that, while I disavow altogether the physical performance he has attributed to me—that of trampling the Act of Parliament under my foot—so far from having made any speech—no meeting, to my knowledge, has occurred in Ireland on the Ecclesiastical Titles Bill since the conversation with the noble Lord. [Sir JOHN PAKINGTON had not said that the meeting occurred since the conversation.] Surely that is the gist of the matter. Will the right hon. Gentleman give me his attention for a moment? He complains of the observations made by the noble Lord the Member for London. He says the noble Lord is not right in saying that the expression "least reputable" was unjustifiable, because the words "least reputable" are no contradiction to the sentiments entertained by the noble Lord at the time of the formation of the Government of Lord Derby, but arose altogether from subsequent occurrences. The right hon. Gentleman the Member for Buckinghamshire says he had watched my career, and saw no reason why an offer of office should not have been made by the Government to which he belonged in February last year; and the right hon. Gentleman the Member for Droitwich says he concurs in that opinion, but that events have happened since which came to the knowledge of the noble Earl the late Lord Lieutenant of Ireland (the Earl of Eglinton). These circumstances the right hon. Gentleman has stated were not only the physical performance with reference to the Ecclesiastical Titles Bill, but a violent speech made by me with reference to that Act at a meeting, the report of which the right hon. Gentleman has perused, and has preserved, like another document used against me elsewhere—an affidavit in a box. I meet that accusation by telling him that, so far from having spoken in a manner disreputable to me upon the subject of that Act, all the meetings with which I am acquainted upon that subject were held before the Government of the noble Lord was dissolved. Having, therefore, come down to this House to defend myself on an accusation of a breach of veracity upon one point, I have the leaders of the party I see opposite stating they entirely concur in the propriety of the observations I have made, condemning, as far as personal condemnation can go, the language used with reference to my character in another place; but another Member of that ex-Government, after he has heard my defence and the noble Lord's reply to it, not in opposition to, but in corroboration of my assertions—for, with the exception of a single sentence of the noble Lord, he has been obliged to corroborate every word I uttered—but I say another right hon. Gentleman brings a new charge, and takes a new position against me. No document is read. He has the documents, but they are not produced. He brings another charge, to which I anticipated an allusion, but into which I hoped I should not have been dragged, so long as a Committee in another place was threatened where a full inquiry might be instituted into the whole of the circumstances. I hoped I should not be diverted by collateral topics. I desired to confine myself to the issue between the noble Lord and me as respected our memory or veracity. I am perfectly willing to take the testimonial paid to me tonight by the right hon. Gentleman the Member for Buckinghamshire both as an answer to the noble Lord elsewhere, and to the charge of the right hon. Gentleman the Member for Droitwich. I shall be prepared, at the proper time and place, to meet any other charge which is now or may be hereafter brought against me, and I have not the least doubt I shall be able to dispose of them as satisfactorily as I have of this. Probably, if any new charge is to be brought before the House, it would be as well I should sit down at once, in order that I may not be rising every moment; but I will not allow the noble Lord to travel from his part of the case. He has admitted his anxious pursuit of me at the critical time. He has admitted his letters, one following fast upon the other. He has admitted our interview, and the conversation relating to office. He has admitted that I asked him by whose authority he put me the question; and that he mentioned Major Beresford's name. Why ask for authority, and for what? If it was not a question of offer or acceptance of office, what was the authority for? And then that friendly message which we now hear of for the first time, which the noble Lord was commissioned to bear to me, from the right hon. Gentleman. I will not waste the time of the House. I perceive its feeling. Is there or is there not a difference between us? If there is not, then my assertions have been corroborated; if there is, then I ask the public to contrast the statement of the noble Lord here to-night, with all its admissions—to weigh and measure those admissions with the letter in which he gave us nothing but that sweeping denial; and, when they have considered those admissions, that letter written by himself, that denial made in the House of Lords upon his authority, let them, if they can, come to a conclusion satisfactory to the noble Lord's friends, I shall not be less satisfied with the verdict which I know the House has already passed upon my share in the transaction.

Mr. WHITESIDE said, the noble Lord (Lord John Russell) had alluded to a subject which he (Mr. Whiteside) never expected to hear again mentioned in that House; and that was the Motion of the noble Lord (Lord Naas) on the subject of the conduct of the Earl of Clarendon, one of his present Colleagues, while Lord Lieutenant of Ireland. Now, he happened to be one of the members of the bar who conducted the case against the Earl of Clarendon, and not having been long a Member of that House when the question was under discussion there, and not knowing that it would be consistent with the etiquette of the House in such circumstances to offer any observations, he declined to speak on that account, understanding, however, that it was the intention of the hon. and learned Gentleman (Mr. Keogh) to address the House upon the subject. But he could never listen to a Minister of the Crown, in a country where public morality and public principle were professed to be respected, eulogising and justifying that transaction, without giving to that justification an indignant denial—a denial of its propriety—a denial of its justice. He could not forget that he had heard it proved that Lord Clarendon, being at the time the Lord Lieutenant of a kingdom, rolled out gold to a newspaper writer for the purpose of obtaining from him panegyrics on his government. And if his noble Friend (Lord Naas) had set himself up as a censor of public men in that instance, he had at all events the ardent support of the hon. and learned Gentleman (Mr. Keogh). Upon the matter which had been spoken to by his noble Friend (Lord Naas), he (Mr. Whiteside) only knew that on the Tuesday of the week referred to, he was informed by the Earl of Derby that Her Majesty had been pleased, in presence of his right hon. Friend (Mr. Napier), to assent to his right hon. and learned Friend and himself (Mr. Whiteside) being appointed law officers of the Crown in Ireland; and, until a member of the Kildare Street Club called upon his right hon. and learned Friend and mentioned that the Solicitor Generalship for Ireland had been offered, probably by mistake, to Mr. Keogh, he had never heard the present matter alluded to. If the hon. and learned Gentleman were satisfied with the explanation made this evening, he (Mr. Whiteside) would not utter one word to abate his triumph. But he could not permit an attack to be made upon his noble Friend the Earl of Eglinton, with whom it had been his pride and happiness to be connected for a year, in silence. He agreed with the hon. and learned Gentleman the Solicitor General for Ireland, that they were not to take all the reports that appeared in newspapers as accurate. But he would say this boldly, as was his duty, speaking as a Member of this House, that if the hon. and learned Gentleman Her Majesty's Solicitor General for Ireland—he guarded himself by that "if"—if the hon. and learned Gentleman made the speech which he had read, and which was represented to have been delivered by him within the last nine months in Ireland, when, with consummate ability, he harangued mob after mob, on Sabbath after Sabbath, and in county after county—if he did declare that the Church must be overthrown—if he did declare that Mr. Sharman Craufurd's Bill must be the law of the land—if he did make that Westmeath speech which he (Mr. Whiteside) found in the paper in his hands, and which was certified by the rector of the parish and three gentlemen, and sent to Lord Eglinton; then, he said, with the deepest pain and the most unaffected regret, that he agreed—wholly and entirely agreed—in the opinion expressed by his noble Friend in another place. And whilst he admitted the ability of the hon. and learned Gentleman, he said that whenever a

Minister of the Crown shall be found to lay down this as his rule—to elevate to offices in the State men who are the most distinguished in the walk of agitation, let him tell him, that, in reference to Ireland, the effect of that principle would be that learning, industry, and quiet pursuit of any profession would be regarded as rather impediments to promotion; and that the short and clear road to obtain the favour of the Minister of the Crown in England would be to open a school of agitation, or to establish in Ireland nurseries of sedition.

MR. BENTINCK said, he was not about to renew the painful personalities they had heard throughout the discussion; but could not help saying, the effect of it out of doors would be to create an impression that the House was in the habit of wasting a great deal of time on comparatively unimportant matters, and postponing important matters—in fact, that they were always ready to strain at a gnat, and to swallow a camel. He held this opinion on two grounds. Accusations of a much graver nature than the present had been preferred against hon. Gentlemen Members of that House, and even against persons holding a high position in the Government, which remained unanswered to this day; and yet they had devoted three hours to a debate on a matter comparatively of much less importance. The hon. and learned Gentleman opposite had been accused—out of, if not in, the House—of having pledged himself, in the most distinct and solemn manner, not only never to hold office under, but never to tolerate the existence of any Government which was not prepared to comply with certain conditions he mentioned. These conditions had not been fulfilled, and the hon. and learned Gentleman nevertheless held office under the present Government, which had not even made an attempt to fulfil them. The hon. and learned Gentleman might be, he doubted not, fully prepared to acquit himself from that charge; but, while endeavouring to absolve himself from charges of a minor character, he had left untouched matters of much greater importance with respect to his own character as an individual and as a Member of that House. This was his first reason for his entertaining the opinion he had expressed. The second reason he had for thinking the country would be under the impression he had mentioned, was, that a considerable number of weeks had now elapsed since much graver charges were made against the Government as a body, and yet they had heard no attempt to refute them. The Government were charged by the hon. Member for New Ross (Mr. Duffy) with corrupt practices of the grossest description. ["Oh!"] Hon. Members might laugh; but he was in the recollection of the House if those charges had not been made, and if the Government had ever attempted to refute or explain them? The only explanation the noble Lord (Lord J. Russell) had vouchsafed was this, that one description of corruption was charged against him, and, therefore, he did not think it necessary to defend himself against the charge of another species of corruption, which was in the eyes of the country equally discreditable to the Government. Until the noble Lord refuted those charges, he (Mr. Bentinck) contended he had better not take the acrimonious tone he had adopted in the discussion of a matter of comparatively trifling importance. The noble Lord had better defend himself from those charges before he attacked others.

MR. VANCE said, it was very seldom he differed in opinion with the right hon. Gentleman the Member for Buckinghamshire, to support whose Administration he had been sent into that House. But he certainly could not assent to one of his observations. The right hon. Gentleman said, he should not have been surprised or displeased if office had been conferred upon the hon. and learned Member for Athlone by the Administration with which he was connected. He (Mr. Vance) could only say, that the constituency he represented, and who had returned him by a majority of 1,400 votes, would have been both surprised and displeased if office had been conferred upon the hon. and learned Gentleman in preference to the right hon. and learned Member for the University of Trinity College (Mr. Napier), or in preference to the hon. and learned Member for Enniskillen (Mr. Whiteside), both of whom had supported with consummate ability the opinions of the party with which the right hon. Gentleman had all along been connected. There were also further and graver objections to the hon. and learned Gentleman receiving any appointment in the Administration of Lord Derby, in the Ultramontane opinions he had always maintained.

SUCCESSION DUTY BILL.

Order for Committee read.

The CHANCELLOR OF THE EXCHEQUER moved that the House should resolve itself into Committee on the above Bill.

SIR WILLIAM JOLLIFFE said, before Mr. Speaker left the chair, he wished to make an appeal to the Government. He desired to put aside everything in the shape of accusation that the Bill was the result of a compact made with any portion of the supporters of the Government, few or many, as a means of securing to the very unpopular project of the income tax, support it would not have otherwise received, as the hon. Member for Manchester (Mr. Bright) had stated; and he would endeavour to persuade himself, against his own convictions, and the statement of the right hon. Gentleman opposite, that the Government believed the burdens of taxation were not fairly borne by rateable property; that it was necessary, in their opinion, to equalise the proportions of taxation borne by different portions of the community; that the land was not sufficiently taxed; and that it was necessary, on the grounds of justice, that additional taxation should be imposed on it. But he entreated them to pause before they proceeded further, as it was quite clear to him that if landed property were to be subjected to all the provisions of the Bill, it would be most disastrous to it. He had listened with pain to the arguments which had been urged by Government in reply to the able statements of that side of the House the other night. The right hon. Gentleman, indeed, said that certain spiritual persons in another place had approved of the Bill, and perhaps they might not object to the mediæval predilections of the Chancellor of the Exchequer for benefit of clergy; but he could not join in their approbation. After an extensive experience with rateable property from an early age on his own account, and as trustee and guardian for others, all he could say was, the result of his experience led him to believe that, bad as the legacy duty was—pressing as it did generally with great severity, and being a cruel and most ungenerous mode of levying taxation—its pressure would be much exaggerated if legal aid was necessary to make proper arrangements on the part of executors. If they passed that elaborate Bill, with all those extraordinary provisions, they would inflict on rateable property a degree of expense, inconvenience, and tyranny, which had never existed under any tax in this country. He would suggest, therefore, that the Government should postpone the Committee, and reconsider the Bill, with the view of adopting other means of raising the amount of taxation required, without the tyranny attendant upon the details of this measure. The plan which he should throw out for their adoption was not, he admitted, original; but it appeared to him the best that could be substituted for the Bill. He was ready to bow down his back to the burden, but he entreated the House not to inflict it in the manner proposed. The proposition he would make was not at all unreasonable, nor made in any inimical spirit. The more he looked at the tax, the more it seemed to him to have the operation of a postponed land tax and a postponed property tax. The right hon. Gentleman had proposed to deal with property vested in corporations aggregate in one way; and he now wished the right hon. Gentleman to deal with all rateable property in the country in the same manner. He proposed they should be taxed by a permanent property tax of 3*d.* in the pound during the term of the income tax, and of 6*d.* after the income tax had ceased in 1860. He was ready, and so he believed were others on that side of the House, to accept that composition for the proposed tax on successions; and he entreated the right hon. Gentleman to give it to them. He entreated him, for the sake of themselves—for the sake of the House—which must be detained to an extraordinary length by the consideration of these complicated clauses—and, above all, for the credit of the Legislature—that they might not have the odium and disgrace of inflicting on their posterity a tax which they had never borne themselves, and which certainly the great majority of them never could endure—to accept that proposition. It could be proved that this plan would be full compensation for the revenue to be derived from the right hon. Gentleman's proposal, and the tax could be collected by the taxgatherer without all the complications and difficulty of collecting under the proposed Bill. It was perfectly incalculable what tyranny the tax would give rise to; nor could any one say what the amount of the revenue raised from it would be. He appealed, then, to the Government to postpone going into Committee for that night, and to take twenty-four hours to consider the matter, and see whether they could not tell the House that the proposition which had been found just as to one species of property could be applied to another with justice.

The CHANCELLOR OF THE EXCHEQUER said, he was very sorry that, in compliance with his absolute duty, he must entirely decline to discuss the principle and general bearing of the operation of the Bill; and this upon grounds of a very simple character. On Monday night the regular Motion for going into Committee upon the Bill was made; it was debated at considerable length, and the debate came to its natural termination. No Member proposed its adjournment, and Mr. Speaker left the chair. The House was then in Committee. The natural course for him to have taken then would have been to have moved that the Chairman report progress; and then Mr. Speaker would at once have left the chair to-day; but there were certain Amendments, very slight in comparison with the importance of the Bill, which the Government intended to move. It appeared to him, therefore, that it would be for the convenience of Members to have the Bill in their hands, in its exact state as it came from the Committee. He, therefore, rose in his place and said, if that was the view of the House, and they were prepared to go into Committee on Thursday, just as if progress had been reported on Monday night, he would move that it be committed *pro formâ*, simply for the adoption of the Amendments. When he had thus spoken, there followed the silence which meant consent. He stated distinctly, if that were not the understanding, he would move that the Chairman report progress; but, as he had said, silence meant consent, he put his Amendments in the hands of the Chairman, and he had never before known a case in which there had been a slighter intimation of an intention to take advantage of the formal right which accrued to every Member to raise another general debate. He thought the hon. Baronet must not have heard what took place on Monday.

SIR WILLIAM JOLLIFFE said, he had entered into no understanding upon the subject.

The CHANCELLOR OF THE EXCHEQUER said, it was not in his power to prevent any hon. Gentleman from availing himself of any constructions he might put upon his formal rights as a Member of that House; but it would be a clear breach of duty on his part if he were to become a party to departing from the understanding of Monday, which was laid down, not for the convenience of the Government, but for that of hon. Members.

SIR WILLIAM JOLLIFFE was understood to declare that he had been ignorant what course the Government meant to pursue, and that on the question that the preamble be postponed, he should have made the same appeal that he had done that evening.

MR. NEWDEGATE said, he had no wish to take an unfair advantage of any understanding between the House and the Government, but, at the same time, he thought it might, without detriment to their own position, or their avowed objects, assent to the substantive proposal made by the hon. Baronet (Sir W. Jolliffe). He wished that the right hon. Gentleman would follow the example of Mr. Pitt, and commute this proposed succession tax into a property tax of general application. If it was thought right that real property should bear more taxation than it was at present subject to, he asked that it should be levied in a manner the least onerous. An efficient tax upon real property was included under the income tax, and was in course of re-enactment with the advantages that assessors and collectors had gained experience and information, while the people had become habituated to it; and it had been proved that many of the gross abuses, and much of the inequality of the income tax, did disgrace the property tax under Schedule A. At present there was a tax at 9*d.* in the pound on rateable property, and he was willing to make it 1*s.* until the present income and property tax should cease; and then he would reduce it by 3*d.*, or make it 6*d.* in the pound, as the necessities of the State should dictate. After this proposition no one could say that the country party was shrinking from contributing their just share of taxation; but he would repeat, that if it were required to impose additional burdens upon real property, it was only consistent with justice that they should be levied in the manner the least onerous. In his opinion the operation of the proposed tax would be that it would compel many persons to mortgage or to sell their property. If the former, a man would be compelled to pay more than was right; two taxes, that for the stamp in addition to the succession tax itself; and if a man, to meet this tax, had to sell part of property to which he had succeeded, he would also have to pay more than his share of taxation, for he likewise must pay the stamp tax in addition to the succession tax, while the rest of his property would be deteriorated. For these reasons he was convinced that the tax proposed was calculated unnecessarily to injure those who succeeded to real property, and unjustly thereby to mulct particular persons, those especially who were in distress, for the benefit of the Exchequer; and he hoped that the right hon. Gentleman the Chancellor of the Exchequer would consider the precedent afforded by Mr. Pitt, who, when the tax upon successions, which he proposed as a war tax, was virtually thrown out, substituted an increased land tax, which was, in fact, a tax on all real property. It would be sounder policy, and more for the public interest, if the present Chancellor of the Exchequer were to adopt the precedent of that great statesman.

Mr. MULLINGS said, he had on Monday night appealed to the Government not to go into Committee that night, and had given notice of certain Amendments which it was his intention to move, and he should move them as soon as he had the opportunity. He would himself prefer a tax upon real property of 6*d.* in the pound, and believed that it would be a much fairer tax, and would produce a larger revenue.

Sir JOHN PAKINGTON said, that the right hon. Gentleman the Chancellor of the Exchequer had complained of the delay which had taken place in the progress of this Bill, but there was no one to thank for it but the right hon. Gentleman himself. The course which the right hon. Gentleman had pursued was not only unusual, but it was the most extraordinary one he had ever known; for he had allowed a long debate on the principle of his Bill without condescending to take any notice of any single one of the objections which had been urged against the measure, and several of those objections he would challenge the Government to answer; and, without wishing to advert to those which had fallen from himself, he must say that he had never heard a speech which more required an answer than the one delivered by the hon. Member for Cirencester (Mr. Mullings) on a previous occasion; and he should have thought that those who had charge of the Bill would have considered it necessary to defend it from the objections which had been urged against it; and indeed, in his opinion, it was the duty of the Minister who proposed the Bill to reply to those objections.

Mr. BUCK said, he considered that, after what had fallen from the hon. Member for North Warwickshire (Mr. Newdegate), the country party could not be accused of selfishness in resisting this measure. The objection which he entertained to the measure was on account of its inquisitorial nature, and he deprecated the extension of any new burden to the landed interest before the differences caused by recent legislation had been entirely healed. He believed that, when the Bill came into operation, its inquisitorial character would render it so distasteful to the country, that no Government would be able to carry it out.

House in Committee; Mr. Bouverie in the Chair.

Clause 1 (setting forth that the term "real property" should include all freehold, copyhold, customary leasehold, and other hereditaments, and heritable property, whether corporeal or incorporeal, in Great Britain and Ireland, and all estates in any such hereditaments).

Mr. HENLEY said, he wished to know whether a foreigner, residing in this country, and succeeding to property abroad according to the law of that country, would be liable to the tax?

The SOLICITOR GENERAL, in reply, said, that if the property were administered in England, he would be liable, but not otherwise.

Mr. HENLEY said, he wished to put this case: Supposing an Englishman possessed property in America, and was domiciled in America, and left it to his son, who was living in England, was it intended that that son should pay the succession duty?

The SOLICITOR GENERAL said, the rule of law was, that a man's personal property was administered according to the law of the country in which he was domiciled. But if a man by his will gave a successive interest in his property to a person living in another country, then the property would be administered according to the law of the country in which the right vested, and would, of course, be subject to any tax existing in that country applicable to such property.

Mr. HENLEY said, he did not ask about property which would vest in this country, but about property that was possessed in America.

The SOLICITOR GENERAL said, he must repeat, that if a person died abroad, and his property was administered abroad, that property would not be subject to duty; but if the property of such person was brought to this country and then administered here, it would become subject to duty.

Mr. DRUMMOND said, he understood

that this succession tax was intended to be a part of a system for equalising taxation; so that no portion of landed property whatever was to be exempted from its operation. Now, the words of the first clause in defining "real property" were, "freehold, copyhold, customary leasehold, and other hereditaments, and heritable property." There was something after all excepted, namely, "honours"—a description of property which he saw no reason whatever for excluding from the operation of this Bill.

MR. W. WILLIAMS said, he wished to know if leasehold property was to be taken out of the category of personal, and placed in that of real property; and, if so, would it pay the same amount of duty, and would it be exempted from probate duty?

The SOLICITOR GENERAL said, the first clause comprehended both leaseholds for lives and leaseholds for years. Leaseholds for lives would henceforth be exempted from the operation of the legacy duty, but not from that of the probate duty.

MR. BARROW said, he did not understand why money payable upon mortgages in Scotland was to be treated in a more favourable manner than money payable upon mortgages in England. This, however, would be the effect of the exemption from the duty of money secured by heritable bond in Scotland.

MR. AGLIONBY said, he wished to point out that there was a peculiar class of property, called "customary freehold," which might, by mistake, have been overlooked in the framing of the Bill.

MR. MULLINGS said, he wished to revert to the words in the clause which treated mortgages on heritable bonds in Scotland as real property, while mortgages in England were treated as personal property; he should move that the words which made that distinction be omitted from the Bill.

MR. DUNLOP said, that bonds on heritable property had always been considered in Scotland as real property. They not only descended exclusively to the heir, but they gave the party holding them a right in the land as much as the owner of the soil. If the Committee should now determine to consider these bonds as personal property, they would overturn the whole course of legal decisions in Scotland.

MR. MULLINGS said, he would be bound by the hon. Gentleman's answer to this question, Did not the money secured on heritable property form part of the lender's personal estate?

MR. DUNLOP: Certainly not.

MR. MULLINGS said, under those circumstances he would not press his Amendment.

Clause 2 (What dispositions and devolutions of property shall confer successions).

MR. MULLINGS said, he had no objection whatever to this tax, but he did object that they should have an Act of Parliament so incomplete in so many respects. This clause enacted that, "every past or future disposition of property, by reason whereof any person had or should become entitled to any property upon the death of any person dying after the commencement of the Act," should be deemed to confer a "succession," and the term "successor" should denote the person so entitled. Now, mark how this would operate. Let them suppose that, ten years ago, a settlement of 20,000*l.* was made upon a daughter, to take effect after the death of the settler. The stamp duty on the deed would have been heavy; but, as the law now stood, the daughter would not be liable to legacy duty on the death of the father. By this Act, however, she would be liable to pay duty on that 20,000*l.* on the death of her father; and, supposing her only to have a life interest in the 20,000*l.*, and the property then went to her children, they would also be liable to the duty. Suppose, again, a man wished to settle 10,000*l.* upon his son, payable at his (the father's) death; but, in order to do so, he granted to another person an annuity of 400*l.* a year for his (the father's) life, on condition that that person paid the 10,000*l.* Well, as soon as the father died, by this law a legacy duty would immediately attach to the 10,000*l.*, thereby considerably diminishing its value. He would put a third case: suppose a person purchased the reversion of 20,000*l.* ten years ago. By the present law, on that reversioner coming into possession, no duty would be payable; but by the Bill now under consideration he would have to hand over 2,000*l.*, he having, at the same time, made his purchase on the faith of the existing law. That would be the effect and the consequence of passing this retrospective Act. He objected to its retrospective operation because he considered the principle to be extremely vicious, and one which they had no right to establish. He therefore begged to move that the words "past or" should be struck out. By doing so the retrospective operation of the Bill would be prevented.

Amendment proposed, in p. 2, l. 19, to leave out the words "passed or future."

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman had stated the case with great fairness, and had raised a broad principle involved in the Bill. The hon. Gentleman said they had no right, consistently with equitable considerations, to pass a retrospective piece of legislation. He would not quarrel with the term, as they all knew what was meant by it. The hon. Gentleman said that all settlements and other kinds of property now existing, all cases where a title to future property had been created, should be exempted from the operation of this Bill. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) adverted to this subject on a former night, but in doing so he totally misstated what he (the Chancellor of the Exchequer) had declared as to the views of the Government. The right hon. Gentleman said that the only reason the Government had for not exempting existing settlements was, that they could not afford it. Now, the right hon. Baronet must have an exceedingly short memory; because he (the Chancellor of the Exchequer) stated deliberately and distinctly other reasons irrespective of the pecuniary difficulty. He denied the title of these settlements to be exempted from the operation of this principle. It was true that the application of the principle to the case in hand would be an exceedingly inconvenient one; for it would exempt many properties from the operation of the Bill for more than two generations. But he did not admit the soundness of the principle itself. With respect to the instances which the hon. Member (Mr. Mullings) had cited, he would put out of view the case of the policy of insurances, because the Government was about to propose a measure with regard to insurances, which he apprehended would go far to meet the views of the hon. Gentleman himself. With regard to the case of reversionary interest, he would not enter into the amount of duty to be paid, because that was not the ground of the hon. Gentleman's opposition. The question raised was, whether it was fair in principle. The hon. Gentleman said that the party, on the faith of the existing law, made a purchase of a reversion, and that the tax now proposed might make the whole difference between that transaction being a profitable and an unprofitable one. Now, what he (the Chancellor of the Exchequer) said was, that that was the principle on which they proceeded in all measures of taxation. He did not hesitate to state that all the analogies of taxation were in favour of the course which the Government were now adopting. He would give the case of the Income Tax Act. What was its operation on a man who purchased the reversion of a long annuity, or a Government annuity for a shorter term? The Income Tax Act stepped in between him and his purchase, and levied upon the whole sum, perhaps turning a profitable into an unprofitable transaction. He could quote much stronger cases from the Income Tax Act than that; but he had quoted one quite strong enough for his purpose, and he thought the hon. Gentleman even would admit that it was a precedent. But it ought not to be supposed that that was a fair sample of the operation of this clause. It was an extreme case, and illustrated the severest possible operation of a Bill of this nature. What they ought to direct attention to was, the case of ordinary settlement, without the intervention of a purchase at all; and with respect to that he denied that there was the slightest *primâ facie* title for exemption. The law never intended to confer exemption from a tax on succession upon settlements. The law intended only to confer the right of anticipating and fixing the succession of property for family purposes. He granted that it was perfectly true a vast mass of settlements had been made for the purpose of evading the tax on succession to personal property. In the case of real property there had been no occasion, but in the case of personal property the law had been taken advantage of to evade the legacy duty. Had that created any right in those who availed themselves of a law for a very different purpose to escape the Legacy Act? Certainly not. Then, if it were not the intention of the law to permit settlements to escape from legacy or succession duty, did they derive a special title because they paid certain duty on stamps? He said as distinctly there was no title on that ground, and for this plain reason: that, if they looked to the nature of the stamp on settlements, it was perfectly evident that it was the means by which the validity of the document was established, and was therefore to be compared, not to the legacy duty, but, to the duty levied on letters of administration or probate of wills. When he said that the stamp duty on settlements was a counterpart of the probate, and not of the legacy or succession duty, did he bear hard upon settlements?—was the stamp duty much heavier in amount than the probate duty? The rates of duty payable on the settlement of land were much less, and bore no comparison to the amount of probate duty. If they went back to a former period, it would pass the ingenuity of any man to strike the average of the duty on settlement, it varied so capriciously; but at present it was *5s.* per cent, whilst the rate of probate duty was from 1½ to 3 per cent, from six to twelve times the amount of duty on settlement. They must come, then, to the conclusion that this stamp on settlements was in its nature analogous to the probate duty, and that it was extremely favourable in its operation on real property. He must, upon these grounds decline to accede to the proposition of the hon. Member. It would cut deeply into the nature of the Bill. It would effectually cripple its operation for many years to come. But, even if it were not fatal to the Bill as a financial measure, there were many considerations upon which he should advise the Committee to reject it.

Mr. MALINS said, he considered that the right hon. Gentleman had very much overstated the number of settlements made to evade the probate duty. His experience had led him to know that the number of voluntary settlements made to evade the duty were very few indeed, and in the course of a not inconsiderable practice, he believed he had not been called upon to draw a deed of the kind more than once in a year. The right hon. Gentleman seemed to think, also, that these settlements were a fraud upon the law; but the Court of Chancery had decided that they were perfectly legal. The public were, therefore, entitled to act upon the law. The payment of 10 per cent legacy duty had driven many persons to make voluntary settlements. The Bill of the Government would operate upon those settlements, and the man who, perhaps, had saved 7,000*l.* or 8,000*l.* for his family, might find that this provision was cut down to the extent of 600*l.* or 700*l.* by an Act which the law had already declared should not be done. He looked upon this as a peculiar hardship, and thought an Amendment should be introduced to protect property in cases of this sort.

Mr. MULLINGS said, that he certainly should divide the Committee on the Amendment he had proposed, as he considered the clause, as now framed, most unjust and injurious.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 113; Noes 45: Majority 68.

Mr. MALINS said, he must complain that, while such landlords as the Duke of Bedford and the Marquess of Westminster, who granted leases for ninety-nine years, would be exempted from the succession tax on the expiration of those leases, persons who granted leases for three lives, which was a common practice in the west of England, would have to pay the tax on the falling-in of each life. He thought the Bill should be so framed as to do equal justice in all cases.

Mr. H. HERBERT wished to know how the Bill would affect cases where leases were given, concurrently for lives and for years, that being a most common form of tenure in Ireland?

Mr. MICHELL said, he was in favour of the principle of the Bill, but the details of it were such as ought not, and, he believed, never could pass. He denied the right of that House to allow large landlords in towns, like the Marquess of Westminster and the Duke of Bedford, to escape the tax, while smaller landlords in the country districts, who adopted the mode of giving leases for lives, would have to pay it. If the Chancellor of the Exchequer did not give a satisfactory answer upon this point, he should feel it his duty to divide the Committee on the clause.

Mr. KENDALL said, his property was entirely leased for three lives, and it would be an enormous tax upon him if he had to pay on the falling in of each life, while the Marquess of Westminster, in the way he granted leases, went free. He appealed to the honesty and fair dealing of the Chancellor of the Exchequer to remedy so marked an injustice.

The SOLICITOR GENERAL said, he was very glad to be able to remove the apprehensions of hon. Gentlemen opposite. The clause would apply only where the reversioner became beneficially interested. He would take a case which generally happened. Supposing a man granted a tenement on a lease for three lives. If one life dropped, the reversioner did not become beneficially entitled, because two lives were remaining; and if he followed the custom of the country, he would renew the lease, and put in another life. [*Cries of* "No, no!"] Then, if he choosed to wait until all the lives dropped, he would, undoubtedly, have a new succession by the reason of the death, and on that succession he would have to pay duty, because the principle of the Bill was to attach duty on all successions which took effect by virtue of death. To that the Bill was limited. It was utterly impossible to carry such a principle to leases for years. In the case of a lease for years, the landlord was considered by law to be in possession, while in that of a lease for lives the leaseholder was suffered to have a beneficial interest in the property.

MR. BOOKER said, that a great part of the Duchies of Cornwall and Lancaster was let on leases of lives. If it should so happen that the reversioner took a fine on the death, that was a beneficial interest, he presumed. He hoped the right hon. Gentleman had taken care of the interests of the Crown.

VISCOUNT MONCK said, it appeared from the explanation of the hon. and learned Solicitor General, that they were really about to be taxed by a fiction of the law. If he understood his explanation, it was this—that a landlord, by a legal fiction, was considered in possession when his tenant held by a term of years, but that when he held at a rackrent, or for a term of lives, which was precisely the same as far as the landlord was concerned, he was not considered in legal possession, but that he came into such possession on the death of the last life, and that he would then be subject to the succession tax. That did not appear to him to be a fair application of the principle of the Bill. If the Committee went to a division, he should certainly vote against the clause.

The SOLICITOR GENERAL said, he wished to remove the impression on the mind of the hon. Member. If a lease was for a rackrent, then the determination of that lease would not confer any property, because the clause touched on nothing but on property acquired by reason of death; and if a man was already, during a lease for a life or lives, in possession of a rackrent yielded by the property, the determination of the lease would not give him any additional property.

MR. MALINS said, if a gentleman granted a lease, the tenant was said to be in possession during the lease, and the reversion to be in the landlord, but the possession came to the landlord at the termination of the lease. Now, the principle of the clause was, that if he deprived himself of his land for three lives, when he again came into possession of it he paid this tax, but that if he deprived himself of it for years, he paid no tax when he came into possession.

The SOLICITOR GENERAL: Where the disposition had been made by the landlord himself of the property which he again came into possession of, he did not pay this tax.

MR. MALINS: That did not apply to a lease by his ancestor.

The SOLICITOR GENERAL: A man granted a lease and it terminated in his own life, then, in the language of the Bill, he was his own predecessor; but if a lease granted by his father for lives terminated in his own life, then he paid the tax.

MR. HENLEY said, it had been truly said, that the details of the Bill would prove worse than the principle. It was truly termed robbery. That language, though strong, was not at all too strong to describe it. He thought it most unjust to make those pay the tax who succeeded to property upon the determination of lives, while such persons as the Duke of Bedford and the Marquess of Westminster would pay nothing upon their immense estates, granted on lease for ninety-nine years. That was not, he thought, making what was sauce for the goose sauce for the gander also.

The CHANCELLOR OF THE EXCHEQUER said, he must deprecate the use of such strong language. The use of such terms as robbery was highly improper as applied to Acts of Parliament. It was impossible, perhaps, to carry out the measure with perfect equality; but the reproaches levied against the Bill might more fairly be applied to the law as it stood. The object of the Government was to maintain the immediate and effectual application of this measure in its principle—the principle of taxing successions upon death to all property. That point had already been questioned and affirmed by the Committee by a considerable majority. It was, however, open to the Government to consider, and they were willing to consider, questions compatible with the fair operation of this principle. He did not deny that there were great difficulties in adjusting the details of a Bill like this, and he was perfectly willing to consider the point which had been suggested. The Government wished to preserve the framework of the Bill, and did not wish to commit themselves under pressure to any concession, until they had had an opportunity of fully examining and testing, by the opinions of the Committee upon other clauses of the Bill, the consequences to which that concession would lead. He would remind the Committee that there was at present no actual proposition before them. If the case which had been raised was to be provided for by exemption it ought to be done, not upon this clause, but by a separate provision, and it would be much better not to make any proposal upon this. Leave the general principle here, and then provide for the particular case by a separate enactment. The Government had no foregone conclusion, which would lead them to reject an Amendment of this kind. They only asked for an opportunity of considering as they went along.

Mr. MALINS said, he was glad to hear that the right hon. Gentleman was ready to take into consideration the point he had raised, and would therefore suggest the postponement of the clause with that view.

The CHANCELLOR of the EXCHEQUER said, this clause was the foundation of the whole Bill. If it passed now, no prejudice would ensue to the proposal of the hon. and learned Gentleman; and the modifications he suggested might be provided for by subsequent alterations.

Mr. HENLEY thought, it would be sufficient to provide for the difficulty that had been raised hereafter.

Mr. Serjeant SHEE said, he wished for some explanation as to the effect of this clause on corporations, and individuals in the nature of corporations sole. He understood the right hon. Chancellor of the Exchequer on Friday night to say that it was the intention of Government to look on such individuals as persons having duties to perform, rather than as persons enjoying a beneficial interest in property, without having any trust annexed to it. He wished to ask the right hon. Gentleman what provision there was in this Bill to meet the case of corporations sole? He did not find anything of the kind at present in the Bill, and therefore wished to ask if he proposed to extend any such provision to the case of persons who were not legally corporations sole, because not connected with the Established Church—he meant clergymen of the Roman Catholic Church or the various dissenting denominations? He understood that dissenting clergymen, who had the benefit of endowments, would be liable to the tax; whereas a clergyman of the Established Church on succession to his benefice would be exempt. He wanted also to know if persons not legally corporations sole were to be exempted in like manner? In regard to corporations aggregate, he understood the right hon. Gentleman to say that they were to be taxed by an annual tax on their income, as the most equitable method of proceeding. Now, in his part of the country there was not a single corporation of this kind excepting the College of Maynooth, so that, under this Bill, every other institution, whether for education or charitable purposes, not being connected with the religion by law established, would receive none of the benefits intended to be conferred upon corporations. He wished to ask the right hon. Gentleman if he proposed to meet these two cases of *quasi* corporations sole and *quasi* corporations aggregate?

The CHANCELLOR of the EXCHEQUER said, he thought, if the hon. and learned Gentleman had heard the answer he gave on this subject on Friday night, he would hardly have found it necessary to put the questions now addressed to him. Government intended to deal with *quasi* corporations sole and *quasi* corporations aggregate as nearly as possible upon the same principle that was to be applied to corporations sole and corporations aggregate, without introducing any distinction, so far as it was in their power to avoid it. But they did not intend to do that in the present Bill, which was to determine the form of taxation on landed succession, thinking it much better to deal with the subject by a separate measure. Though corporations were mentioned in this Bill, yet that was only as regarded their first access to the possession of property which had devolved upon them in consequence of the death of some individual.

Mr. SPOONER wished to ask the right hon. Chancellor of the Exchequer how he intended to deal with the case of property vested in trustees to wind up businesses, and at the expiration of a given term the result to be divided among the heirs? The business might turn out unprofitable, and he would like to know when and how the succession tax would be levied? He also wished to know whether the right hon. Gentleman did not think, that under this Bill there would be a great difficulty in obtaining trustees to act? He had been informed by a professional friend, who was a trustee, that if this Bill passed he should be obliged to resign his trust.

The CHANCELLOR OF THE EXCHEQUER said, the hon. Member would find the answer to his question in the 19th clause. The case would, of course, be regulated by the general rules applicable to property held in perpetuity or fee simple, the succession commencing on the death of the testator.

MR. MICHELL wished to know if a person purchased freehold property held on a lease for lives what percentage he would be bound to pay for the succession?

The SOLICITOR GENERAL said, the case was expressly provided for by a subsequent clause of the Bill. The party purchasing would pay the duty which would have been paid by the grantor, supposing there had been no alienees.

Clause *agreed to;* as were also Clauses 3 and 4.

Clause 5 (Extinction of determinable charges to confer successions).

MR. BARROW complained that, under this clause, if a man bought an estate subject to an annuity of 100*l.* a year, he would be subject to pay for the increased value of that annuity to the amount of 10 per cent.

The CHANCELLOR OF THE EXCHEQUER said, that was not the intention of the clause. In the case supposed by the hon. Member, the purchaser would only pay duty according to the previous relations of the estate.

MR. VANSITTART said, that persons who granted life annuities, charged upon their estates, would have to pay the succession tax upon the falling in of those annuities. He therefore wished to know whether public assurance companies would also be charged with the tax on the falling in of any annuities they had granted; because, if they were not, they would thus enjoy an unfair advantage as compared with individuals.

The CHANCELLOR OF THE EXCHEQUER said, he would suggest that the discussion of this point should be postponed until they came to the 16th clause, which referred more particularly to the subject of assurances.

MR. CAIRNS said, he considered that the clause should be postponed till the different questions which arose out of it had been fully considered. If the clause were not now postponed, he would divide the Committee on it.

The CHAIRMAN said, that a verbal amendment having been introduced, it would be irregular to postpone the clause.

MR. BARROW said, he would suggest that if the clause could not be postponed it should be rejected by the Committee, and then the right hon. Gentleman might bring up an amended clause on the Report.

Motion made, and Question put, "That the Clause as amended stand part of the Bill.

The Committee *divided* :—Ayes 171; Noes 100: Majority 71.

Clause *agreed to.*

Clause 6.

MR. HENLEY moved that the Chairman report progress.

The CHANCELLOR OF THE EXCHEQUER urged the importance, in the present state of public business, of the Committee going on with the Bill that night, and hoped that the right hon. Gentleman would not persevere in his opposition.

MR. HENLEY said, he would yield to the request of the right hon. Gentleman, and allow the Committee to proceed with the discussion of one clause or so more. The object of Clause 6, as he understood it, was to prevent persons from reserving to themselves a certain interest in an estate which they made over to another; so that in point of fact they made a kind of fraudulent grant in order to evade the tax. But, according to this clause, if, as was frequently the case, a clergyman should grant a lease for his own life, the grantee would seem to be liable to the succession duty on the death of the grantor. This, surely, could not be intended.

The CHANCELLOR OF THE EXCHEQUER said, that the matter should be taken into consideration, and if the difficulty which the right hon. Gentleman apprehended should be found to exist, it should be provided for.

Clause *agreed to.*

Clause 7.

MR. VANSITTART said, he thought that portions of the clause were of a very tyrannical nature.

VISCOUNT GALWAY moved that the Chairman report progress and ask leave to sit again. He considered that the Bill, as a whole, was downright robbery, and he was perfectly satisfied that it would never have been brought forward by the Chancellor of the Exchequer but for certain Gentlemen on his right hand. It might be very well for the right hon. Gentleman to endeavour to please those parties at the expense of the landed interest, but as a small landed proprietor, living up to his income, he begged to protest against it.

[*Laughter.*] He supposed hon. Gentlemen on the other side never stood up for their own interest in that House, or supported measures to increase their own property. At all events, he confessed he could see no harm in country gentlemen standing up for their own property. He knew it must be a great satisfaction to gentlemen of the Manchester school, and the representatives of metropolitan boroughs, to see that another wedge had been inserted, and another attack made upon the landed interest. He repeated that he considered the measure to be one of downright robbery as regarded landed property: not only were landed proprietors called upon to pay income tax to a greater extent than other classes, but they were now to be burdened by "a conscientious Chancellor of the Exchequer" with a legacy duty in addition. The right hon. Gentleman might be a very innocent Chancellor of the Exchequer—as innocent a one as ever sat in that House—but he begged to tell the right hon. Gentleman that he had known an equally conscientious Chancellor of the Exchequer, the late Lord Althorp, who was a neighbour of his own—and what did he do? He proposed to impose a tax on the transfer of money in the funds—and who prevented his carrying it? The moneyed interest of the country.

Colonel SIBTHORP said, he hoped that the noble Lord would press his Motion. He (Colonel Sibthorp) entertained a similar opinion with the noble Lord of this Bill. The Chancellor of the Exchequer was trying to smuggle through clause after clause, and was supported in the attempt by the Manchester school, of whom he (Colonel Sibthorp) had no very high opinion. He had lately returned from discharging an important duty, and had found a very obedient corps of militiamen, and he should be glad to assist now in drilling the Chancellor of the Exchequer into a somewhat better sense of his duty to the country.

The CHANCELLOR of the EXCHEQUER said, that if there was a disposition on the part of hon. Members opposite to press the Motion that the Chairman do now report progress, the Government would not oppose it. He hoped that the noble Lord and the hon. and gallant Member, having taken an opportunity of speaking out their sentiments, felt much relieved by doing so, and that they would allow the discussion on the particular clause before the Committee to proceed to-morrow without interruption.

The House resumed; Committee report progress.

SHERIFF COURTS (SCOTLAND) BILL.

Order for Committee read.

House in Committee.

Clauses 1 to 3 *agreed to.*

Clause 4 (Provides for the making up and closing of the record).

Mr. CRAUFURD said, he wished to ask whether the course of pleading might not be very much more simplified than by the process provided by this clause?

The LORD ADVOCATE said, that that very question had been fully considered before the Select Committee, and the result was, that the clause as it now stood had met with their unanimous approbation.

Mr. CRAUFURD said, he had been unable to be present on the Committee. He did not see why the pursuer should have the right of stopping the pleadings, or determining that they should go on. It was, in fact, making him the lawyer. He should move an Amendment conferring the power of closing the record upon the sheriff alone.

The LORD ADVOCATE said, he regretted the absence of the hon. and learned Member from the Committee, but he could not on that account assent to his Amendment. There had been upon the Committee who had considered this question the Solicitor General for England, the late Attorney General for Ireland, the right hon. and learned Member for Midhurst, the present sheriff of Midlothian, the sheriff substitute of Lanarkshire, and others.

Amendment *negatived;* Clause *agreed to.*

Clause 5.

Mr. DUNLOP said, he proposed to omit this clause, with the view of afterwards inserting other clauses. However, whether his Amendment should be carried or not, he admitted that the Bill would be of very great value in simplifying and improving the whole course of law procedure in Scotland. By the practice which the clause would continue, proofs would be taken from the witnesses, recorded by the sheriff substitute, and referred to a single judge, who had not heard or seen the witnesses. It was a vicious principle that the reviewing judge should have none of the advantages possessed by the judge whose decision he reviewed. He (Mr. Dunlop) proposed, that when a proof was ordered, it should not be taken by the sheriff substitute, but should be reserved for the sittings of the sheriff-principal, who was to make the circuits four times a year in his county; that he should sit and hear the evidence, and himself pronounce judgment; that his judgment should not be reviewable under sums of *50l.*, except upon points of law, and then that it should be to the Court of Session. If they were to have one trial and one judgment, it was clear that they must select one of the sheriffs before whom the trial was to take place, and he thought it was most judicious to make selection of the sheriff depute, who was always an advocate, rather than the sheriff substitute, who was sometimes only an attorney.

The LORD ADVOCATE said, the clause had been very carefully considered by the Select Committee, and he must insist on its being retained as it stood.

Clause *agreed to;* as were also Clauses 6 to 9 inclusive.

Clause 10 (Abolishes lengthened written proof).

Mr. CRAUFURD said, he begged to call attention to the circumstance that, inasmuch as appeals were not abolished, the evidence would still require to be taken *ad longam,* in order to inform the sheriff principal before whom the appeal was taken. This would enormously increase the work of the substitute.

The LORD ADVOCATE said, he thought the mode of taking down the evidence proposed by this Bill a decided improvement. Formerly evidence was taken *ad longam*, but now it was proposed that the judge should set forth the evidence, not by question and answer, but in the form of a narrative. He believed that no real practical difficulty would be experienced in the matter.

Mr. W. LOCKHART said, he objected to their proceeding further with the Bill at that late hour (a quarter to one o'clock). Many of the Scotch Members had left, having no idea that the Bill would be proceeded with that night. He should, therefore, move that the Chairman report progress.

The LORD ADVOCATE said, he hoped his hon. Friend would not press his Motion. It was quite possible to get through a good many of the clauses that night, omitting any clause on which there were notices of Amendment by hon. Members who were not now present.

Colonel BLAIR said, he should support the Motion of the hon. Member for Lanarkshire (Mr. W. Lockhart).

Mr. DUNCAN said, he hoped they would go on with the Bill. Though he was by no means satisfied with the Bill as it stood, he, nevertheless, thought no delay should take place in passing it through the House.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:* — Ayes 16; Noes 84: Majority 68.

Clause *agreed to;* as were clauses to Clause 26.

Clause 27 was *postponed.*

House resumed; Committee report progress.

PARISH VESTRIES (No. 2) BILL.

Order for Second Reading read.

Sir JOHN TROLLOPE said, he must oppose the Bill. The hon. and gallant Member for Brighton (Sir G. Pechell), who brought in the Bill, proposed to give a period of six months in which to pay rates. That would cause great confusion, and therefore he should oppose the Bill.

Mr. BAINES said, he could not help saying that the object which the hon. and gallant Member for Brighton had in view, was a reasonable one. It had come to his knowledge in several cases that when a vestry was likely to be held, a rate had been made almost immediately before the meeting, in consequence of which many persons had been disfranchised from not having paid rates of which they had no knowledge till perhaps the morning of the meeting. He agreed with the right hon. Gentleman (Sir J. Trollope), however, that six months was too long, and in Committee they might shorten the period to two, three, or four months.

Sir JOHN TROLLOPE said, his objection would be obviated if the time were shortened.

Bill read 2°.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, June 17, 1853.

Minutes.] Public Bills.—1ª Juvenile Mendicancy (No. 2); Taxing Officers Common Law Business (Ireland).

EDUCATION.

The Bishop of SALISBURY rose to put certain questions to the Lord President of the Council on the subject of the Minutes of the Committee of Council of Education, dated April 2, 1853. The right rev. Prelate was understood to say that he could assure their Lordships that, in the questions he was about to ask, and in the few remarks with which he proposed to preface them, it was not his intention to make any attack on the Committee of the Privy Council, over which the noble Earl presided with so much ability and judgment, still less to attempt in any way to disturb those relations between the ecclesiastical and civil authorities of the State, in respect to the education of the people which had now subsisted for some years, and had been attended with great advantages; and although he would not say that they were incapable of improvement, or were in all respects such as might be desired, still he would venture to say that since the period when the differences by which those relations were interrupted some years ago had been removed, it had been his constant endeavour to maintain them unimpaired, and to promote the objects which they were designed to effect. He would add that he had not joined in any of the attacks made, he thought without sufficient reason, on the general principles upon which the Committee of Council had administered the national grants for education. When mistakes had occurred, as he thought sometimes had been the case, it had been his object to put the most favourable construction upon them, and by all the means in his power to remove misapprehensions. He said this for the purpose of showing that he was not an opponent of the existing relations between the Church and the State with respect to education; but was, on the contrary, so far as humble abilities went, their supporter and advocate. It was, nevertheless, the fact, that those relations, although in the main satisfactory, and perhaps altogether the best that the existing circumstances of the country would allow to be established, entailed this disadvantage—that they had had the effect of removing this important branch of the public administration from the cognisance of their Lordships' House. It was only in the other House of Parliament that any effectual alteration or supervision could be exercised. Their Lordships only knew what plan was proposed for the administration of the grants when the Minutes of Council were laid upon the table, and after the measures had been finally resolved upon; and when the Minutes had been laid upon the table, they almost carried with them the force and effect of an Act of Parliament. He was therefore anxious to call the attention of the noble Earl and Her Majesty's Government to this matter, in order that such modifications and Amendments might be effected in the Minute to which his questions would relate, as should be calculated to extend its usefulness, and which would make it deserving the cordial and unanimous support of their Lordships. Great progress had been made by the aid of the State grants in diffusing education in the large and populous towns and districts of the country. But these advantages had been accompanied by this drawback, that the places in the rural districts possessing small populations, and whose case did not present itself before the public in so striking and conspicuous a manner as that of the large towns, had not received all the attention which their wants and necessities demanded; and it was with the view of remedying these defects in the small country districts that the present Minute was framed, and to the principle of it he was anxious to give his cordial support. But it appeared in some points to require amendment, and in others explanation, in order that it might be clearly understood and satisfactorily put in execution. He had recently presided at a large meeting of secretaries and other persons connected with diocesan and district societies for the promotion of education, and he had taken the opportunity of calling their attention to this Minute. He found the same points of doubt which had occurred to his own mind had presented themselves to many of the gentlemen who attended that meeting, and who unanimously agreed in requesting him to obtain some explanation on the subject from the noble Earl. The questions he wished to ask of the noble Earl the President of the Committee of Council were these—1. Whether the Minute is applicable to mixed schools of boys and girls, as well as to schools in which boys and girls are educated separately? And, if so, in what manner the estimate for a grant is to be made? His second question related to the conditions imposed requiring the schools entitled to share in the grant to possess a certain amount of income in the shape of voluntary subscriptions; and as there existed great uncertainty in the Minute, which it was desirable to have removed, with regard to the mode in which it was intended to determine the income of a school derived from other than Government sources; he wished therefore to ask—2. Whether it is required that the income of the school from the specified sources should amount to the rate named in respect of the whole number of children on the register of the school, or only in respect of the children in behalf of whom a grant is claimed? His third question related to the condition imposed on the schools eligible to the grant with respect to the attendance of the children. The attendance required by the Minute from each child was 192 days per annum, which was calculated at the rate of four days in the week for forty-eight weeks in the year. Now, the universal testimony in the rural parishes of his own diocese was, that parents could not possibly spare their children for so large a portion of the year as forty-eight weeks, on account of their services being required at harvest time, and other reasons. He, therefore, begged to ask—3. Whether the Minute may be so modified as not to require so long a period of attendance on the part of the scholars, or, if not, so as to allow the calculation to be made on the aggregate attendance of the whole school, and not on the separate attendance of each child? His remaining questions were—4. Whether in schools in which, under the provisions of any trust deed a portion of the children are necessarily admitted without payment, the attendance of such children may nevertheless be calculated in the claim for a grant? 5. Whether the condition as to the holding of a certificate by the master or mistress may be dispensed with (at least for the present), the condition as to the efficiency of the school, according to the subordinate regulation, Sec. 8, being equally enforced? In conclusion, the right rev. Prelate said, that if the Minute were altered in those respects he had mentioned, it would seem to him so well suited for its purpose that the only regret he should then have would be that its application was not universal, but that it was proposed to call into operation any other measures. He deemed it to be of prime importance, in reference to the success of our educational efforts, that the present basis of voluntary efforts, combined with State assistance, should not be disturbed. He was the more confirmed in this opinion from having had the opportunity of seeing the view taken of the state of education in this country by a very intelligent and enlightened foreigner, M. Eugène Rendu, sent on a special mission for this purpose by the Minister of Public Instruction in France. That gentleman, after a very accurate and intelligent survey of the existing state of education in this country, which showed that he fully appreciated our deficiencies as well as our progress, and the evils as well as the advantages of our social state, summed up his observations with this remarkable expression—that if he were called upon to express in a word the law of educational development in the United Kingdom, he would define it thus—"Respect on the part of the State for voluntary efforts, confidence on the part of voluntary efforts in the State." And he then went on to urge upon the Minister of Public Instruction in France that the lesson France was to learn from the institutions of England was that of a more determined effort for the development of voluntary efforts; and, as necessary in order to this, the impressing upon all schools, at any price (*coûte qui coûte*) an essentially and practically religious direction. He (the Bishop of Salisbury) confessed that such sentiments appeared to him to deserve their gravest attention, and this especially at a moment when the efforts of so many of those who claimed for themselves the title of advocates of the education of the people pointed in an altogether contrary direction—in a direction tending at once to the disparagement and discouragement of voluntary efforts, and to the tampering with those religious principles from which alone we could hope that such voluntary efforts would proceed. If we had learnt anything—and he believed we had—in the efforts and struggles of these thirteen years, it was the importance of not offending the religious convictions of those, be they members of the Church or of any other denomination, whom we desired to enlist in the cause of education; and, again, that religion was not to be taught in vague generalities, which all might receive but no man would profit by; that it was not to be separated into general and particular, but that in a religious system definite religious teaching must pervade the whole; and those who held a definite system of religious truth must be allowed to impart it to those under their care in such manner as they should themselves think best. He was able to give his support to this Minute, because he saw in it a means of great practical encouragement to the education of the people, based on the principle of stimulating voluntary efforts, in harmony with the steps which had already been taken with such good success in the same direction, and not interfering with that religious liberty or religious truth which they were determined by every means in their power to uphold. But he could not say the same should they come to the question of local rates, compulsory assessments, or town-council committees. Here they would be entering upon ground new, untried, perilous, divergent from the course in which they had hitherto advanced, if not opposed to it, and which he feared would lead to disappointment and disaster as its results. He could not approve of such a course, because he believed, in the first place, that it would be found nearly, if not altogether, inoperative: because, secondly, so far as it operated at all, it would do so only in laying the foundation of a new subject of strife and local agitation in every city and town throughout the length and breadth of the land; and, thirdly, because he saw, as its necessary consequence, a perilous interference with religious liberty, and, in the not remote future, a growing danger to religious truth. He knew that this was not now the time or opportunity for entering further upon these points; but he hoped it was not unsuitable to make this reference to a subject of so great importance, and so immediately connected with that upon which he had been addressing their Lordships. He would not, however, further trespass upon them, but would leave the noble Earl to answer the questions he had put to him.

EARL GRANVILLE, who was almost entirely inaudible, was understood to express his satisfaction at the attention which the right rev. Prelate had bestowed on this important subject; and also at the favourable conclusion to which the right rev. Prelate had arrived with respect to the Bill brought forward by Her Majesty's Government. If any difference of opinion existed between himself and the right rev. Prelate, as to the necessity of stringency in the rules and conditions imposed by the Committee of Council on Education, it might be owing to the fact that they possibly looked at the question from different points of view; for while the right rev. Prelate naturally thought, in the first place, of the difficulties which had to be encountered in carrying on the schools, he (Earl Granville) had to remember that the Committee of Council had a very important trust delegated to them, and were bound to enforce due economy in the management of the schools; and at the same time that nothing should be done to diminish the efficiency of the system, or to detract from its advantages. The great demand for labour which at present existed had tended, to some extent, to induce parents to take away their children from school at an earlier period than they would, under other circumstances, have been inclined to do; but it was to be hoped that the increased prosperity which arose from this demand would enhance the value of education, and would also enable them the more readily to avail themselves of the advantages which they were offered in this respect. With regard to the right rev. Prelate's suggestion, that the Government grant to day schools should be made conditional on the master holding the certificate of merit, the Committee were fully aware that this was a very important matter; but it had been found that the condition could only be applied to the cases of young masters; for old masters could not be expected, from their age, and the occupation of their time, to prepare themselves for such examinations. Her Majesty's Government had, however, the subject under their consideration, and intended to introduce a provision which would, he trusted, be received with satisfaction. The object of Her Majesty's Government was to stimulate, as much as possible, education by voluntary contributions; and they considered it undesirable to confine the education of the working classes to mere intellectual improvement, without affording them also as much sound moral and religious culture as possible.

APPOINTMENT OF MR. KEOGH—CHARGE AGAINST THE GOVERNMENT.

The MARQUESS of WESTMEATH: My Lords, the subject of the Motion which I shall have to make to your Lordships was brought incidentally before you on Friday last. It is necessary for me to say that on Monday there appeared in a public print—which I believe I am not wrong in stating to be under the influence and guidance of a noble person high in the Government — an article of very great abuse on me, for having undertaken to bring this matter under your Lordships' notice. I can afford to treat all that with the most supreme contempt; but, my Lords, there was accompanying it an inuendo, an insinuation, that I had been put forward by the noble Earl late at the head of Her Majesty's Government, to bring the matter before your Lordships. Now, I have no reason to suppose, that if that noble Earl had any sentiments on the matter, he would have put me forward particularly to state them; but the fact is, that no human being was acquainted with my intention until I had written to my noble Friend who is sitting beside me (the Earl of Glengall), sending him a copy of my Motion, which could not be entered on the Minutes, because I had not yet taken the oaths. Neither the noble Earl, nor any person connected with his Government, was acquainted with my intention on this subject, until I had come over to this country, and was prepared to go on with it. The issue involved in the Motion now on your Lordships' table is a very serious one. On Friday last, when the subject was mentioned here, the noble Duke, whom I see opposite, the Minister for the Colonies, thought fit to go to the bar, shortly after which he returned to his place, and, as a Minister of the Crown, he gave me, across the table, a distinct denial of the charges which I had brought against the Solicitor General for Ireland. My Lords, I will not make any apology for having done so. I do not think I need; because I am not so stupid, nor so dishonest, as that if a man come into the county where I reside and hold Her Majesty's Commission, and if he use such language to the lower orders of the people as I am prepared to state to your Lordships, on proof wholly irresistible, he did—as having done that, it was not to be expected that, as an honest man, I should be aware of it, and not take notice of it. The noble Duke also introduced into that discussion a collateral issue, quite beside and having nothing whatsoever to do with the main question. It struck me at the time, and since then I am perfectly certain, that the noble Duke did that to call away the attention of your Lordships from that which is the specific matter of my Motion, and to give rise to events which have passed, but with which I have nothing whatsoever to do. I entreat of your Lordships not on the present occasion to allow yourselves to be led away from this subject by anything extraneous, which may be introduced by the noble Duke to the House. It has nothing whatsoever to do with it, whether Lord Derby, or any noble Lord connected with his Administration, offered to the present Solicitor General the office of Master of the Horse, or beater of the silver drum, or any other appointment; because the words and language charged to Mr. Keogh took place at a period long subsequent to the formation of the late Government. Now, my Lords, the noble Duke was also pleased to meet me, as well with this denial as with an attempt at mirth, in speaking of an "Irish fact." I do not myself think it is very good taste to indulge in national taunts and sarcasms. The Scotch, I know, do not approve of them; they say they are pointed weapons, and had better not be used. I do not know in what sense the Irishmen among us may have understood the pleasantry of the noble Duke; for myself, I can only say, that had I not been withheld by considerations which I think always ought to restrain the Members of your Lordships' House, I should certainly have made at the time such a response to the jeers of the noble Duke as would not have been agreeable either to himself or to his friends opposite. My Lords, the noble Duke will be treated to-night, not only to an Irish fact, but to an Imperial fact. With these preliminary observations I shall now proceed, my Lords, to state the evidence upon which I made the charge against the hon. and learned Gentleman—a charge which I am ready to sustain—if your Lordships will grant me the Committee for which I ask, and which I am prepared to prove at the risk of being content to lay my head upon the block. My Lords, I think it will be as well to submit the evidence to you in the same shape in which it was brought before myself. I hold in my hand the depositions of magistrates who heard the words uttered by the hon. and learned Gentleman at Moate, and who are willing to come forward and prove those words upon oath. My Lords, one series of them were uttered in the town at Moate, which is a Quarter Sessions town, at which the polling for the county of Westmeath took place, about six miles from the borough of Athlone. The hon. and learned Gentleman's presence in Moate was promised by the candidate for the county of Westmeath some days before he arrived; and the day on which he did arrive was the day of the nomination for the town of Athlone, for which the hon. and learned Gentleman was himself a candidate. He came to Moate avowedly as the friend of Captain Magan, one of the candidates for the county of Westmeath, and his arrival naturally collected a great many people of all classes together. Some of the magistrates of the neighbourhood, many gentlemen who were not magistrates, and a great crowd of other persons, assembled in the streets to hear the speech of the hon. and learned Gentleman. It was an open-air meeting, and the hon. and learned Gentleman addressed the assemblage from a window. The first document I will read to your Lordships is an extract from a letter which I have received from a magistrate who was present, and who says he is ready and willing—nay, anxious—to come forward and depose upon oath to the words used by the hon. and learned Gentleman upon that occasion. Indeed, I may here state to your Lordships that the universal feeling in the county is one of anxiety to disclose the whole truth, and to place the words of Mr. Keogh beyond dispute or cavil. It is unnecessary to inform your Lordships that language of the kind I am now about to quote, when used at the time of an election, in such a country as Ireland, when the greatest excitement prevails, and by such a master of his art as the hon. and learned Gentleman, cannot fail to create alarm and uneasiness in the minds of all peaceable and well-disposed persons. In point of fact, the words uttered by the hon. and learned Gentleman did excite much alarm, and the natural consequence is, that I now find a general wish prevailing to come forward and give testimony in this case. The unfortunate state of Ireland is such, that when a transaction of this nature occurs, it is usual for those who are qualified to give evidence to say, "I would rather not come forward and give my testimony in public, and I would prefer if you could induce somebody else, who knows as much as I do of the facts, to give you the information you require." My Lords, in this case it has been different. No sooner did it become known in the county of Westmeath that the matter was about to be brought before your Lordships' House, than many respectable persons—I think with great good sense—satisfied that words such as those uttered by Mr. Keogh at Moate, ought to be taken notice of in the proper place—voluntarily expressed their willingness to declare all they knew respecting the matter upon which your Lordships are now to exercise your judgments. The first version of the words uttered by Mr. Keogh is as follows:—

> "'Boys, summer is fine weather, the days are long and the nights short; after comes autumn, the days getting shorter and the nights longe and colder; then comes dreary winter, with its short cold days, and nights long and dark; and recollect, boys, whoever votes for Levinge will surely feel the effects of them.' This is a correct report. I heard it myself."

These words, I entreat your Lordships to remember, were reported to me by a magistrate of the county of Westmeath, who himself heard them delivered by the hon. and learned Gentleman. Another magistrate, who was also present, and heard the speech, writes me to this effect:—

> "In reply to your queries about Mr. Keogh's speech at a meeting in the street of Moate, delivered to a large assemblage of people, previous to the day of election, I was one, and not ten yards from the learned Gentleman, when he made use of the following words:—'Boys, we are now in the midst of a delightful summer, when the days are long and the nights short. Next comes autumn, when the days and nights are nearly of an equal length; but next comes dreary winter, when the days are short and the nights long; and woe be to those during those long nights who vote for Sir Richard Levinge at the present election.' The Rev. John Hopkins, George Daly, and one of the Mr. Fetherstons—I think it was James, of Tubber—were all standing with me at the time, and are quite ready to swear to these words having been delivered by Mr. Keogh."

Let your Lordships recollect that the documents I have now read were written by two magistrates.

The Duke of NEWCASTLE: Will the noble Marquess mention the names of those two magistrates?

The Marquess of WESTMEATH: If the noble Duke asks me, and wishes it, I will; their names are Richard Randall and Godfrey Levinge. The next communication with which I will trouble your Lordships, is from the minister of the parish in which the hon. and learned Gentleman delivered his speech. It runs in the following terms:—

> "I am not a little surprised how Mr. Keogh could deny what he said here the day he addressed the mob in favour of Mr. Magan. I was present, and heard what he said, as also George Daly, Theobald Fetherston, and James Burke, who all remember as well as I do what his words were. He said, 'This, boys, is summer, when the nights are short; the autumn will come soon, when the nights will be longer; but the winter will then come, when the nights will be long, and then let those take care of themselves who will dare to vote for Levinge.' He appeared to say this with much significance, and we all understood him as recommending the mob to take vengeance in the long winter nights."

Now, in addition to all this, I hold in my hand the statement of other persons not magistrates, who were present when the hon. and learned Gentleman addressed the crowd at Moate. They are respectable—most respectable—people of the town of Moate, two of them being members of the Society of Friends. They say—

"We, the undersigned, residing in or near the town of Moate, in the county of Westmeath, certify that William Keogh, Esq., the present Solicitor General of Ireland, made use of the following words when addressing a large crowd in the streets of said town, from the window of Mr. Magan's committee room:—'Boys, this is summer, and the nights are the shortest; the autumn is coming, when they will be longer. After that comes the winter, when they will be at the longest; and then will be the time to mark the man that votes for Sir Richard Levinge.'

(Signed) "George Daly.
W. O'Clibborn.
William Russell.
"Moate, June 14." John Hopkins."

Such, my Lords, are the statements made to me by two magistrates of the county of Westmeath, the minister of the parish in which the words in question were spoken, and a number of the respectable inhabitants of Moate, including two members of the Society of Friends. Now, my Lords, if the Government had been at all at a loss for accurate information, and if they had really wished to ascertain whether the representations I have made were true or counterfeit, they had nothing more to do than apply to their own officer, Sir Duncan Macgregor, the head of the police force in Ireland, who regularly receives from all parts of the country reports of the most minute description with regard to such scenes as that which took place at Moate during the last general election. With respect to this case, it is remarkable that the constable at Moate was seen taking down the language uttered by the hon. and learned Gentleman; and I have no more doubt, my Lords, that the report of that constable may be found on the table of the Lord Lieutenant, if he likes to look for it, than that I have now the use of my right hand. The reports received from all parts of the country by Sir Duncan Macgregor are regularly sent up to the Castle, and that being so, I want to know how his Excellency, who I am sure would not venture to say upon oath—I do not think he would say without an oath—that he was ignorant, until I repeated them, of the words uttered by Mr. Keogh, can justify his having selected that hon. and learned Gentleman to be the second Law Minister of the Crown in Ireland, who would be entrusted with the management of prosecutions against those poor, deluded, miserable creatures who may happen to be entrapped into a detestable and bloody conspiracy against the peace, property, and lives of Her Majesty's subjects in Ireland? Now, my Lords, I think if the noble Duke is not satisfied with the evidence I have adduced in support of my charge against the hon. and learned Gentleman, he must be very hard of faith. But I will now give the noble Duke, as I promised at the outset, an English fact. The hon. and learned Gentleman—against whom I am sorry to be obliged to appear, because no one likes the office of public accuser, and in this House noble Lords are so well aware of the decorum that ought to be observed, and the example that ought to be set, that one must always be cautious not to say anything of which every tittle cannot be proved—the hon. and learned Gentleman was a candidate for the borough of Athlone at the last election, and I am informed that he uttered the same words and expressed the same sentiments to his constituents at that place which he uttered and expressed to the mob in the town of Moate. Two English gentlemen resident in London, most respectable men in every way, happened to be staying in Athlone at the time of the election, and here are the words uttered by the hon. and learned Gentleman at that place in their presence:—"Summer is nearly over, and autumn at hand, and after will come the long dark nights of winter, when woe be to the man who votes against his Church." And now, my Lords, let me direct your attention for a moment to a little of the fruit of this kind of language. At the Athlone election, a Roman Catholic clergyman on the hustings said to one of the English gentlemen to whom I have alluded, who were both friendly to the defeated candidate, and who are ready to confirm all they had said upon oath, if your Lordships will give me an opportunity of bringing them forward—"If it were not for the bayonets, you should never leave this town alive."

The Duke of NEWCASTLE: Who said that?

The Marquess of WESTMEATH: A Roman Catholic priest on the hustings. Mind, this is not mere assertion. The words are capable of substantive proof, and I pledge my word as an humble Member of your Lordships' House, if you give me an opportunity, I will prove them. It is now for your Lordships to judge whether or not Her Majesty's Government has acted wisely in appointing the hon. and learned Gentleman Solicitor General for Ireland, and whether, considering that the Ribbon papers which were seized in Liverpool in the month of January last are the same, or almost the same, in substance, language, and spirit, as the words and sentiments uttered by Mr. Keogh at Moate and Athlone, any dispassionate person can hesitate for a moment in believing that the hon. and learned Gentleman betrayed a suspicious familiarity with the cant and pass-words of an illegal and seditious conspiracy. The following paper was discovered among other Ribbon documents at Liverpool, last January, and has become the subject-matter of judicial investigation :—

> "Summer is approaching. Short days are gone. Friendship will flourish. Yes, when the days will get long. Be quiet, my friend. Yes, I mean to be so. May freedom rule by land and sea, and death call him who would betray !"

My Lords, this is the substance of the matter which I was anxious to bring before your Lordships. I do not see what excuse the hon. and learned Gentleman can offer for his conduct at Moate. He cannot offer the excuse that he was at Moate in the prosecution of his own affairs. He is not connected by property with the county of Westmeath, and at Moate he was only known as the friend of Mr. Magan. He was under no necessity to go there, and, therefore, my Lords, I am at a loss to know upon what ground the noble Duke can possibly stand up to defend the hon. and learned Gentleman, and oppose the Motion which it is now my duty to propose. My Lords, the question comes to this issue —are we in Ireland to have Her Majesty Queen Victoria as our Sovereign, or Captain Rock ? Is the Union to be repealed, or are we to have the Act of Settlement as the rule by which the country is to exist ? What I have stated to your Lordships is not a matter to which statesmen in these days can shut their eyes, in the belief that it will not come to a dangerous issue, but it is one, on the contrary, which demands earnest and prompt attention. If Her Majesty's Government are not able to defend the conduct of their Irish Solicitor General, I hope they will at least explain to your Lordships why it is that the Lord Lieutenant, with a full knowledge of the facts I have mentioned, has neglected to deal with the subject, and has thrown upon me— who, thank God, am not connected with the Government—the task of bringing it before your Lordships. My Lords, I beg to move—

> "That a Select Committee be appointed to inquire into the subject of Seditious Language alleged to have been used by Her Majesty's Solicitor General for Ireland, at Moate, in the county of Westmeath, and at Athlone, in the month of July last."

The DUKE of NEWCASTLE : I can assure your Lordships that I do not require the warning of the noble Marquess to abstain from any extraneous matter in making a reply to the accusation which he has now, for the second time, brought before your Lordships' House. My answer to the noble Marquess shall be distinct, explicit, and confined to the Motion which he has made; and I do this the more readily because I consider it is needless for me to refer to that part of the debate the other night which took place towards its close, and to which the noble Marquess has alluded, apparently not quite liking the subject after the discussion which occurred in another place. ["Oh, oh !"] I repeat that I do not think it is necessary for me to refer to that debate, and, challenged as I am by those exclamations, I will give the reasons why. If it were necessary to defend the character—the public and private character—of an hon. and learned Gentleman, who holds an office in the Government to which I belong, I would not, despite the taunts of the noble Earl and the noble Marquess, fail to perform my duty to him, and to stand up and declare what I believe to be the truth with regard to him. But I am saved that trouble, because the noble Lord (Lord Naas) whose name was referred to in debate the other night, has already stood up in his place in Parliament, and declared what he thinks of the public and private character of my hon. and learned Friend ; and because the right hon. Gentleman the late Secretary at War (Mr. Beresford) has expressed similar opinions, and has stated that at any rate the late Government had a most friendly feeling towards the hon. and learned Gentleman. More than that, I am saved this trouble, because another right hon. Gentleman, a Colleague of the noble Earl, the leader of his party in the House of Commons, and one of the most distinguished ornaments of his Government— [The Earl of MALMESBURY : Hear, hear !] The noble Earl seems surprised that I should say one of the most distinguished ornaments of the late Government. It is true that I differ from that right hon. Gentleman upon many questions of importance; I disapprove of a great deal of what he has both done and said ; but, nevertheless, I am not so foolish, or so blinded by party feeling as not to be ready to acknowledge his talent and ability, and to say that he was one of the most distinguished ornaments of the late Government. But, my Lords, what I was about to say was, that the right hon. Gentleman the leader of the Opposition in the House of Commons (Mr. Disraeli) has stood up in his place, and, in the most handsome and explicit manner, stated that whatever indiscretions might have been committed by any one, he saw no reason why the offer of office should not have been made to my hon. and learned Friend, and expressed his high opinion, not merely of the ability, but of the public and private character of the hon. and learned Gentleman. I repeat, therefore, that I consider it is unnecessary for me to advert to what was said the other night; and I sincerely hope, after the testimony which has been borne by the Colleagues of the noble Earl to the character as well as ability of my hon. and learned Friend, we are not going to hear again of the "disreputable" character of the appointment of one to whose position and reputation the Colleagues of the noble Earl in another place have borne such ready and hearty testimony. My Lords, before referring to the accusations brought forward by the noble Marquess, I must again complain of the unfair manner in which a man, whose *status* in this country must depend entirely upon his character, has been assailed, and of the improper way in which the noble Marquess has brought forward his charges. The other night the noble Marquess introduced those charges upon a Motion on a totally different subject, without any previous warning to any noble Lord in this House, and without any intimation to the hon. and learned Gentleman of his intention to arraign his conduct before your Lordships—

The MARQUESS of WESTMEATH: The noble Duke is in error. I did give notice to the hon. and learned Gentleman that I intended to bring this subject before your Lordships.

The DUKE of NEWCASTLE: I am quite content to accept the correction of the noble Marquess; and perhaps the noble Marquess, having put me right on this point, will have the kindness to resume his seat. [The Earl of DERBY: Order, order!] I assure the noble Earl that I did not mean to offend him, but it is the noble Marquess who is out of order by remaining standing whilst I am speaking. Perhaps the noble Earl is chagrined at the badness of his case. Well, I am not in the slightest degree astonished at the vehemence exhibited by noble Lords opposite. For my own part, I am perfectly ready to discuss the subject with calmness; but, nevertheless, I am not prepared to acquit the noble Marquess of unfairness; for although I am bound to admit, because he says it, that he gave notice to the hon. and learned Gentleman of his intention to make a statement respecting him, I was under the impression that he heard of it from a friend and not from the noble Marquess. With this, moreover, I charged the noble Marquess before, and I repeat it now, that that friend conveyed to the noble Marquess a distinct denial of the charge he was about to make:—nevertheless he did bring forward his charges in his place in Parliament without intimation to any friend of the hon. and learned Gentleman in this House, and that, too, upon a Motion which had reference to an entirely different subject. Was that fair—was that English—conduct worthy of the position of the noble Marquess in this House? But what has the noble Marquess done since? He has hastened, as soon after the debate which took place the other night as possible, to write over to Ireland, and to instruct his friends and agents there to ransack the whole country for these proofs, as he calls them, of what occurred at Moate and Athlone at the time of the last general election; but he never intimated to any noble Lord in this House, or to the hon. and learned Gentleman himself that he was about to adopt that course—

The MARQUESS of WESTMEATH: I gave notice of the Motion which I have proposed this evening.

The DUKE of NEWCASTLE: The noble Marquess did not give notice of his Motion until Tuesday last, and this is Friday, so that it has been utterly impossible for the hon. and learned Gentleman, or for any of his friends, to send over to Athlone and Moate to obtain such evidence as they might be able to procure, to refute the accusations which the noble Marquess has brought forward. Is that fair? But, more than this, when my hon. and learned Friend heard that the noble Marquess intended to make a statement regarding him to your Lordships, he sent one of his friends to the noble Marquess to ascertain what was the nature of the charges he proposed to bring against him, in order that he might be enabled to supply some

Member of this House with such facts as might be necessary for the vindication of his character. That was represented to the noble Marquess to be a very reasonable request, and what was his reply? "Why," said the noble Marquess in effect, "it is a very fair request, indeed, and I will take it into consideration, but in the meantime I cannot comply with it."

The Marquess of WESTMEATH: No, no!

The Duke of NEWCASTLE: The noble Marquess believed it to be a very fair demand, but he would not accede to it.

The Marquess of WESTMEATH: I deny it.

The Duke of NEWCASTLE: Why, the noble Marquess has all along refused to give the names of his witnesses either to the hon. and learned Gentleman or to any of his friends; and it was only when I put the question across the table a few minutes ago that I was able to ascertain the names of the two magistrates who profess to have heard the speech of my hon. and learned Friend at Moate last summer. Was that fair dealing? The noble Marquess, no doubt, expects to obtain some party advantage, to inflict some disgrace upon the Government, to lessen the triumph which the hon. and learned Gentleman achieved in the House of Commons last night, and perhaps to do him some harm in the estimation of his countrymen—all because he has probably inflicted serious damage on the political influence and interests of the noble Marquess in the county of Westmeath. How has the noble Marquess endeavoured to substantiate his accusations? He has produced, indeed, a number of irrefragable proofs, as he calls them, and has once more read to us the speech which my hon. and learned Friend is alleged to have delivered in the town of Moate. He has stated that the promise of the arrival of the hon. and learned Gentleman in Moate had the effect of causing a large crowd of people to assemble, and immense excitement and commotion in the town, which was one reason why so much attention was paid to his words. Now it happens that the hon. and learned Gentleman, though he did not anticipate the statement which the noble Marquess has made, can prove by the testimony of at least two honourable gentlemen, that the account given by the noble Marquess of the circumstances under which the meeting at Moate was held, is not accurate. So far from his arrival in Moate having been promised, and a great assembly of people collected in consequence to hear his speech in the open air, it appears that, on the summer afternoon in question, a friend of Mr. Keogh happened to be in Athlone, with "a drag" and four horses, driven by himself, and he insisted upon the hon. and learned Gentleman, who was then engaged in his election, taking a drive with him into the country. The hon. and learned Gentleman consented to do so, and accordingly his friend drove him off in the direction of Moate; but so little thought had he of staying away from Athlone, that he caused an empty car to follow the drag, with the view of bringing him back when he considered he had proceeded far enough from the town. The two friends rode together as far as Moate, about six miles from Athlone, and drove up to a small house—I do not know whether it was a public-house or not, but I suppose it was—the head quarters of the committee of Captain Magan, who was then standing as a candidate for the county of Westmeath. The hon. and learned Gentleman was, of course, warmly welcomed by his friends, and he was no sooner observed arriving in the town than a number of people assembled in the principal, indeed I believe the only, street, which, I am told, is about three times as wide as Regent Street, and is, in fact, a wide open road, and requested him to address a few observations to them. Under these circumstances, without premeditation or preparation of any kind—without reporters, and without any of those adjuncts which the noble Marquess conjured up the other night—the hon. and learned Gentleman addressed the crowd in a speech of not more than five minutes' duration, simply in order to gratify the people who wished to hear him speak. Now, I think this plain statement of the fact at once manifests the *animus* of the perversion of the case which the noble Marquess has thought proper to lay before your Lordships. The noble Marquess has brought forward what he calls irrefragable proofs of his case. One statement, at all events, until both have been examined, is as good as another; and I am able to meet that made by the noble Marquess with a letter which a gentleman, having heard the allegations advanced by the noble Marquess against the hon. and learned Gentleman, addressed to him, being fully acquainted with the real facts of the matter. But before I proceed further, I had better read a letter which I have received from the hon. and learned Gentleman himself. It runs as follows:—

"My dear Duke of Newcastle—You will perceive by Mr. Macnevin's letter, which I have taken the liberty of forwarding to your Grace, that his recollection agrees with mine as to the transactions at Moate. Mr. Macnevin was beside me, and had the opportunity of hearing all I said. At the same time I wish to state, that at the time referred to I took a most active part in opposing, not only in Westmeath (in which the principal part of the borough I represent is situated), but in several other counties, the candidates in favour of Lord Derby's Government. I did my utmost to defeat those candidates, and frequently delivered speeches at different places with that object. That made at Moate was without any preparation or premeditation. It was delivered after stepping from the top of a coach, to a multitude who collected round the house in which I was, and who loudly called for me. It did not occupy five minutes, and was not reported so as to enable me to refer to it. I have no recollection whatever of using any language even similar to that attributed to me; but my memory may fail me as to the precise words used in the heat and excitement of election occurrences, and I trust, therefore, rather to the evidence of friends who were present, and the inherent improbability of my expressing sentiments which I never entertained, rather than to my own recollection. As to my intending to suggest, either by word or gesture, the use of violence to any one, I can most firmly assert that nothing was further from my mind, and such a purpose was as averse to all my feelings as at variance with the policy and measures I adopted.—Believe me, my dear Duke of Newcastle, your most faithful and obedient, "WILLIAM KEOGH."

The MARQUESS of WESTMEATH: Who is this Mr. Macnevin? I never heard of him in my life before.

The DUKE of NEWCASTLE: The noble Marquess says he never heard of Mr. Macnevin in his life. That may be; but although the noble Marquess is acquainted with a great many distinguished Irishmen, it is not at all improbable that Mr. Macnevin may be a very respectable man, and yet not be known to the noble Marquess. Mr. Macnevin, I understand, is a highly respectable solicitor in the city of Dublin, and belongs to a county family which I have no doubt is known and esteemed by a noble Marquess whom I see below. [The Marquess of CLANRICARDE: Hear, hear!] The noble Marquess assents, so I need say no more about the respectability of Mr. Macnevin, though I may mention that he is not the election agent, but the private friend, and, I believe, private solicitor of the hon. and learned Gentleman. Here is the letter which he addressed to him after reading the speech delivered by the noble Marquess on Friday last:—

"Dublin, 8, Middle Gardner Street,
June 14.

"My dear Sir—Having heard the speech you delivered at Moate during the election of 1852, to which Lord Westmeath has recently alluded in the House of Lords, I have not the slightest doubt but you never made use of the improper language attributed to you, or anything that could bear that or any similar interpretation. I certainly heard every sentence you uttered, clearly and distinctly, and if my testimony upon oath be of any value, you may command it. I have spoken to several persons who were present, and they all concur with me that it is impossible that any such language could have been used by you without attracting their pointed attention.—Yours very faithfully, "R. C. MACNEVIN.

"The Solicitor General for Ireland, M.P."

Now, my Lords, I say that a letter written in that spirit and in that manner by a gentleman whose character is unimpeachable, may fairly be set against the statements which the noble Marquess has brought forward, without giving us an opportunity of testing their validity in any way whatever. Now, my Lords, the noble Marquess has said that the speech delivered by Mr. Keogh at Moate was repeated at Athlone. He has dealt cautiously with that part of the case; and no wonder, for the hon. and learned Gentleman has assured me that, although in consequence of his having addressed the electors, and occasionally the non-electors, of Athlone, three, four, or five times during the day, it is utterly impossible for him to attempt to remember all the words he uttered at the election, or even the language he held on any particular occasion, yet he is prepared to state that he never used any words which could fairly be construed as an incentive to riot or disturbance, much less to murder. But, my Lords, why has this accusation been brought forward now? Why have we not heard of it till this moment? On Friday night I stated that the noble Marquess, who is the Lord Lieutenant of the county of Westmeath should have brought this charge before the late Government. I was not aware at that time that the noble Marquess, although the Lord Lieutenant of Westmeath, was absent on the Continent during the last general election; and that he was then represented by the Vice-Lieutenant of the county. That Vice-Lieutenant was Colonel Greville, one of the Members for the county; and it is curious enough that Colonel Greville, although Vice Lieutenant under the noble Marquess, and representing him in the county, never heard a syllable of the proceedings at Moate. No statements were made to him by magistrates, whose bounden and solemn duty it was to have reported to Colonel Greville at the time the words imputed to Mr. Keogh, if they really were used. Now, I say that fact alone does throw the greatest possible discredit upon the testimony of these magistrates. They were guilty of a gross neglect of duty in not making a representation to the Vice-Lieutenant at the time, and in keeping secret what they knew until it became a matter of political convenience and advantage to the noble Marquess. To my mind that fact tends rather to weaken than to strengthen the credibility of the magistrates in this case, and entitles us to view their statements with suspicion, except in so far as they may be fully borne out by the facts. But there is an inherent improbability in all the statements which the noble Marquess has produced before your Lordships. The hon. and learned Gentleman is disliked for his ability and the way he has evinced it, by those who concur in the political views of the noble Marquess, and has consequently been, for a considerable time past, what I may call a marked man. Joined with those friends of the noble Marquess are a body of men in Ireland of diametrically opposite opinions, whose faith, both in religion and in politics, utterly disagrees with that of the noble Marquess; but, nevertheless, they have combined together to throw every kind of obloquy upon the hon. and learned Gentleman, and to exclude him and others from their seats in Parliament. Well, my Lords, the hon. and learned Gentleman having been returned for Athlone, was petitioned against; and I believe that the petition of Mr. Lawes, the opposing candidate to Mr. Keogh, referred to by the noble Marquess, was prosecuted with a zeal—I will use no other word—worthy of the best of causes. Your Lordships may be aware that Mr. Lawes went even the length of having the hon. and learned Gentleman arrested under a false judgment. I mention this to show the *animus* of Mr. Lawes, and to let your Lordships see that he is not one of those tender-hearted gentlemen who would do anything rather than injure the reputation or wound the feelings of other people; but that, on the contrary, he is a man who would be likely to embrace every opportunity, with a view to serve his own purpose, of damaging the character of his successful rival. Mr. Lawes, moreover, was present during the whole of the election at Athlone, and having such means of knowing everything which occurred, is it probable that he would fail to bring forward an accusation of this kind to the Committee, if there was any foundation for it, as a proof of the intimidation with which Mr. Keogh conducted his election? Yet Mr. Lawes did not even hint at such a charge. But there was a second petition presented against the return of the hon. and learned Gentleman by the Messrs. Norton, and that petition was framed with singular ingenuity, so as to hit every possible case that might be brought against the return. Now, did Messrs. Norton bring forward this charge, now made by the noble Marquess, with the view of getting this election declared null and void? Nothing of the kind; and that there was nothing of the kind alleged by Mr. Norton, I confidently submit as another strong evidence against the noble Marquess's case. I know what the noble Marquess is going to say—that petition was not prosecuted. It was withdrawn; but was it withdrawn by a compromise on the part of the hon. and learned Gentleman? No, my Lords; my hon. and learned Friend was not afraid of meeting any charge; and he gave notice to the agents that if they chose to withdraw the petition, the charges of which he was anxious to meet, he would not allow it to be withdrawn by any species of compromise, but would take care to make them pay the costs; and he has received 100*l.* costs from the gentlemen who refused to prosecute that petition. Now, I think such facts are the strongest corroborations of the improbability of these newly-found charges. The noble Earl opposite (the late Lord Lieutenant of Ireland), in answering the observations I made the other night, said that my taunt fell harmless to the ground, when I said that he, as Lord Lieutenant, ought to have taken the case up, if it was brought before him, because Mr. Keogh was a private individual at that time, whereas now he was Solicitor General, and that he was not called upon to investigate words uttered by private individuals, for if he had done so he would have had a great deal of business of that description to attend to. I readily admit that assertion. But I must be allowed to say that Mr. Keogh was not, in the sense in which the noble Earl used the words, a private individual. I say that when Mr. Keogh is stated to have made that speech, he held a position which made him differ materially from a private individual, and that the Lord Lieutenant was bound to take notice of any accusation that might be brought against him. Mr. Keogh was then, as he is now, a Queen's Counsel; and that position, honourable as it is in this country, is still higher in Ireland; and for this reason — that the manner of promoting to the rank of Queen's Counsel differs somewhat from the mode of promotion in this country. How did Mr. Keogh obtain the silk gown? Why, in deference to the position he occupied at the bar, and not by any solicitation on his own part:—because he, whilst sitting in a stuff gown, was busily engaged in the causes of his circuit, whilst many other learned Gentlemen in silk were sitting briefless by his side. And who recommended him to the Lord Chancellor of Ireland for that important and honourable distinction? An hon. and learned Gentleman occupying a distinguished position on the bench in Ireland—a man with whom, years ago, I had the honour of sitting in the other House of Parliament—a man whom, whatever I may think of his political opinions, I must consider a man not only of great learning, of great amiability, but of great experience in every station of life. It was Chief Justice Lefroy who recommended Mr. Keogh to that honourable distinction, as a mark of his own esteem, and of the estimation in which Mr. Keogh was held in the profession, not merely as a lawyer and a gentleman, but also as one of the most straightforward and honourable public prosecutors whom he had ever met with, in the performance of those onerous and, in Ireland, responsible and most painful duties. I say, upon authority, that no accusation of this kind was brought before the Vice Lieutenant of the county of Westmeath, who occupied that position until two months ago, when the noble Marquess opposite returned to this country. I do not know whether any statement was made to the Lord Lieutenant of Ireland or not. But I place the noble Earl on the horns of this dilemma: Either that statement was made to him, and although Mr. Keogh was not a private individual, but holding the important position of Queen's Counsel, he thought fit to pass it over, as one of those foolish and childish accusations which are often brought by opponents at contested elections—either he treated it in that way—and if he did so treat it, I think he treated it rightly—or, believing it, he neglected to take the step which in that case he ought to have done, namely, to have the accusation investigated, with the view of punishing Mr. Keogh for the offence with which he was charged. Now mark what the accusation is. The charge brought by the noble Marquess, involves nothing less than one of sedition; and assuredly if the noble Earl did believe it, it was his duty to have taken the matter energetically in hand; and if only half that has been reported to have been said could have been substantiated, I will add the expression of my belief, that the Lord Chancellor of Ireland, on his part, had Mr. Keogh been brought under his notice as guilty of such misconduct, would at once have felt it to be his duty to strip the silk gown from Mr. Keogh's back. I need not remind your Lordships that this is by no means the first occasion on which accusations of this kind have been brought against persons mixed up with contested elections in Ireland. I need not go further for a proof of this than to the noble Earl opposite (the Earl of Cardigan), whose name is next on the list of Motions. I do not know whether he intends to bring forward his Motion with reference to the Sixmile Bridge affair or not; but I merely refer to his notice of Motion for the purpose of asking—what is the accusation there? Have you not an accusation against a magistrate concurring in opinions with the noble Lord opposite — a magistrate who accompanied the soldiers in that unfortunate affair? What is the charge made against that magistrate? Why, it is stated by numbers, who say they are ready to prove it upon oath, that he went there armed with a brace of pistols, and upon some one making a row, he took out one of the pistols and held it up to the man's head, and said, "Take care; if you make a disturbance I'll blow your brains out. You had your election, the other day, at Limerick—we'll have ours now; and if not we'll have blood for it." Why have not noble Lords already condemned Mr. Delmege for these words? For what reason have they hesitated to do so? Simply because they did not believe them to have been uttered; but suppose that the statement arose out of the heated imaginations of men engaged in a fiercely-contested election. I do not believe the words attributed to him. I have no doubt that

Mr. Delmege did not utter any such threat; but it rests on the same foundation as the charge brought forward by the noble Marquess against the hon. and learned Gentleman. If I were to take the trouble to ransack the Irish newspapers, I dare say there is not a single paper during the time of an election in which I should not find that one side or the other was charged with having uttered words similar to those which are now charged against Mr. Keogh, and those which are charged against Mr. Delmege. I am not seeking to shelter Mr. Keogh by opposing this Motion. But, after all, what are the words which the noble Marquess has quoted—those extraordinary allusions to the seasons, uttered in language as childish as if it had come from the lips of an infant? I am not talking of the meaning which the noble Marquess puts upon them. That I have already discussed. But the words themselves are sufficient to betoken it as almost impossible that Mr. Keogh should ever have uttered them; and the extreme similarity of the words as given by different witnesses throws additional discredit on such probability, considering, as we all know, that there is no newspaper report of what occurred. Why is this allusion to the seasons—assuming it were even made—this notice of particular months of the year, to be tortured into sedition? Has the noble Marquess never heard of any other allusion to the seasons in the county of Westmeath? I have been assured that a friend of his, in canvassing, made a significant allusion to the coming season. I have heard of an individual, related to a Member in the other House of Parliament, who, during that election, said that the tenants upon certain estates over which he had the control must take care how they voted, for, not winter, but October was coming, and then they would have to look out for themselves. Now it would be quite possible, of course, to torture this reference to October into something of the nature of the charge devised by the noble Marquess; but in point of fact, all that Mr. Dunne meant was that if the tenants did not vote for Sir R. Levinge, October was coming, and then they should be—not murdered absolutely, but—ejected. I consider that the present charge has been brought forward by the noble Marquess for the purpose of obtaining a temporary triumph against Mr. Keogh. The noble Earl the Lord Lieutenant of Ireland said, when the subject was last before the House, that he had held or did then hold in his hand an affidavit on this subject. The noble Earl shows it me now, and as I see he is evidently about to answer me, I would beg him to explain to the House thoroughly and explicitly what that affidavit really is. I may ask him also to inform the House when it was signed, and when he received it, and how long it has been in his possession. I think that information most important, and I should be sorry if your Lordships were to proceed to a division without a knowledge of these facts. I should like to know, also, under what circumstances that affidavit was sworn. I am no lawyer myself—but I should appeal to my noble and learned Friend on the woolsack, and to the other noble and learned Lords who are present, as to the character of the affidavit now in the possession of the noble Earl. If it was placed in his hands for the purpose of a judicial inquiry, and for the purpose of proving an information against Mr. Keogh, let me observe that Mr. Keogh would be, under such circumstances, placed in a position in which the meanest criminal cannot be placed, for this affidavit must have been sworn against him without any summons being issued against him, and without his being able to take any step to meet it. Is it an affidavit sworn for the purpose of grounding an information against Mr. Keogh, and being made the basis of a legal accusation? I ask if that is so? If that was the case, it was a most unfair proceeding as regards Mr. Keogh. And, further, I ask the noble Earl to explain why, having such an affidavit in his possession, those legal proceedings, for the institution of which it was sworn, have not been taken? If, on the other hand, this was a voluntary affidavit, then I turn to my noble and learned Friends, and I appeal to them whether such an affidavit is not an illegal document; and I ask how, under such circumstances, that affidavit came into possession of the late Lord Lieutenant of Ireland? I am afraid I have troubled your Lordships at too great length. I can only say, whatever the noble Marquess may believe, that on the part of the Government I honestly wish I could second the Motion for this inquiry; for I can tell him that no man is more anxious that the matter should be fully investigated than Mr. Keogh. But I do not think it would be becoming in your Lordships' House, upon such information as has been brought forward by the noble Marquess, and in such a manner, without the possibility of an investigation on the spot, to say you cannot yourselves bring sufficient evidence, and, therefore, we must appoint a Committee. If such a course is to be adopted, there is no innocent man against whom an accusation may not be brought for the purpose of instituting an investigation, and your time might be wholly occupied in inquiries into such charges as those which have been brought against Mr. Keogh and Mr. Delmege, to the neglect of matters connected with imperial interests—to the neglect of such subjects as that of India for example —the discussion of which all-important subject will scarcely bring together so large an assembly of your Lordships as are collected for this most miserable and paltry Motion. I cannot take that course. In justice to this noble House, I feel bound to say "No" to the Motion of the noble Marquess; and I am confident that all just and impartial men will say that I am right in the course I have taken, and that the effect of refusing investigation will not reflect one tittle on the character of my hon. and learned Friend, or detract from the high position which his honourable and straightforward conduct in reference to another matter has justly attached to him. I appeal with confidence to your Lordships' House. Let the noble Marquess or any other noble Lord bring forward any charge which in public estimation may be considered an attack on the character of the Government, calling for inquiry, and we will not shrink from any investigation which he or his friends may desire. But we will not be dragged into inquiries of such an absurd description as this. I say that we have a right to stand upon our character. I say that the character of the Government, whether with reference to their public conduct, or with reference to their political appointments—view it as you will—may fairly challenge such attacks as those which have been brought forward by the noble Marquess. But I say more. I believe that the private character and individual conduct, not merely of the Cabinet which sits on this bench, but of all those who occupy official positions under that Government, may fairly challenge the utmost efforts of enmity of the noble Marquess; and I believe we may upon the present occasion fairly shield ourselves under that character, not shrinking from investigation when investigation is fairly called for. I am confident the public will be of opinion that that shield is a safe one, whether against the polished and pointed darts of the noble Earl opposite, or against the miserable and rusty bolts from the battered quiver of the noble Marquess.

The EARL of EGLINTON: My Lords, I shall come to answer the latter part of the noble Duke's question with respect to the affidavit in a few minutes; but perhaps the noble Duke will allow me to commence the few remarks which I have to make, by asking your Lordships whether I can be fairly accused of having taken any unfair advantage of the hon. and learned Gentleman to whom this Motion refers, or whether I have displayed any degree of acrimony beyond what was necessary, in stating that I had the affidavit in question in my possession. I beg to assure the noble Duke that I have not been employed—nor do I believe that the noble Marquess has been employed—since Friday last, in collecting materials for the purpose of substantiating the present accusation against the hon. and learned Gentleman the Solicitor General for Ireland. I have not only not taken that course in this case, but I have never done so on any other occasion. I was attacked by the noble Duke upon a former occasion, and have been subjected to attack in another place for having used the expression, that the nomination of Mr. Keogh to office was, in my opinion, one of the least reputable acts of the present Government. I have no desire whatsoever to shrink from the responsibility of having made that assertion, and in the same sense in which I made it upon a former occasion, I again repeat it. In making that assertion, I beg to assure your Lordships that I do not intend to cast any reflection whatsoever upon Mr. Keogh's private character, or to make any reference to anything connected with that Gentleman, except the words which have been attributed to him, and which form the subject of discussion in this House. If—as I have reason to think it possible, if not probable—Mr. Keogh is guilty of having used the words which are attributed to him, then I say, that the appointment of an individual capable of having used those words to an office of high responsibility such as that of the Solicitor General for Ireland, would be not only the least reputable act of the present Government, but of any Government that ever administered the affairs of this country. It was upon those grounds only that I made use of the expression in question; and I beg again to assure your Lordships that in doing so I had no intention whatsoever of making any reference to Mr. Keogh's private character. The noble Duke has asked, why it was, that in my position, as Lord Lieutenant of Ireland, I did not take notice of the affidavit which had been sent to me upon the subject now under your Lordships' notice? I will tell the noble Duke at once why it was that I took no notice of that affidavit. I intimated upon a former occasion the reasons which induced me to take that course, when I stated that if all the parties who made violent speeches during the late elections in Ireland were to be prosecuted, the Crown lawyers would have had a heavy time of it indeed. Mr. Keogh's speech was but one of a great number of a similar character which came under my notice. I certainly little expected at the time when it was brought under my notice, that the Gentleman who had given utterance to the sentiments which it contained was to be the future Solicitor General for Ireland. More than 100 reports of speeches tending to excite the mob to riot and sedition came before me while I was in Ireland; but during the whole period of my stay in that country I had no report of a speech brought to me which, in my opinion, so distinctly recommended assassination as that of the speech said to have been delivered by the hon. and learned Solicitor General for Ireland in the town of Moate. When such reports as those to which I have referred did come before me—my noble Friend who was my predecessor in office in Ireland will bear me out as to what is the usual practice in such cases—I sent them to the law advisers of the Crown to ascertain whether they furnished proper matter for further investigation, or for the institution of criminal prosecution. That was the course which I almost invariably pursued in reference to those reports. I will not swear that I adopted that course in the particular case of Mr. Keogh; but so far as I can recollect, the mode of proceeding in that case was precisely similar to that which it was my practice to adopt in instances of a similar nature. In many instances I felt greatly disappointed when I found that the legal advisers of the Crown did not deem it advisable to recommend that legal proceedings should be instituted against parties to whom the use of very violent language had been attributed. My ardour in this respect was perhaps too great. I believe, however, that I did apply to the law advisers of the Crown for their opinion with reference to the case of Mr. Keogh; and that that opinion was not in favour of the institution of a criminal prosecution against that Gentleman. It was a short time after the general election—I cannot tell the exact date—that I received among many other representations respecting the language attributed to Mr. Keogh, the affidavit which I now hold in my hand. At the time that I received this affidavit, I was informed that the case was one in which it was likely that if the names of the parties who signed the document were to become known, they would be placed in a very dangerous position. I confess that this information contributed in some degree—if not entirely—to induce me to take no further notice of the matter. I feel, however, that I am now bound, at any risk to the parties in question, to read the whole of the affidavit, together with the names of the individuals by whom it is signed. It is as follows:—

"I, James Burke, of the town of Moate, and the county of Westmeath, yeoman, do solemnly declare that I was in the town of Moate upon the 14th day of July last, when a large number of persons assembled together in that town to hear an address from Mr. Keogh. Upon that occasion I heard that Gentleman utter the following words from the window of the inn:—'It is now summer, and the nights are short; but the time will come round when the nights will be long; but the winter will at last set in, and the nights then will be very long, and let those who vote for Sir R. Levinge be upon their guard. Further I tell you, both men and women, to be at Athlone upon the election day, at twelve o'clock, with shillelaghs, and to use them.' I make this solemn declaration, solemnly believing it to be true.

"J. BURKE.

"Made and subscribed before me this 14th day of September, "ARTHUR BROWNE,
"Justice of Peace of said county."

That paper remained in my box until Friday last, when the noble Marquess made his statement in this House. I distinctly declare that I had no intention whatever of addressing your Lordships upon the subject before you upon that occasion; nor should I have done so if the debate had not been carried beyond its original scope. Yesterday morning, however, without any communication having been made upon my part, I received a letter from Mr. Browne, the magistrate before whom the affidavit in question was sworn to. He writes:—

"10, Newcomon-terrace, Dublin,
June 14, 1853.

"My Lord—I am to apologise for this intrusion. The necessity will, I trust, justify the liberty I now assume in presuming to address you. My attention has been drawn to the late debate in the House of Lords, in which your Lordship took a conspicuous part; and, as Mr. Keogh has had the temerity to assert that he did not use the words imputed to him, and as a controversy may arise thereon, I wish (as the magistrate who took the declaration of James Burton) to satisfy you that every word in that declaration is true, and that at least twenty gentlemen of independence and station (among whom the rector of Moate—the Rev. Mr. Hopkins) are ready and willing to support the truth of that deposition by their evidence on oath. The gentlemen in question were present on the occasion, heard the words so delivered, and there can be no more doubt of their utterance than of any other truth which cannot be disputed. The fact was, the whole neighbourhood was excited by the atrocity of the language used on that occasion by the Solicitor General. I am further to observe, that, being the local magistrate living in Moate, I felt it my duty to inquire most minutely into the whole matter, with a view of submitting it to the Executive, as I did hope the party using such expressions would not be allowed to do so with impunity. I am further to add, that your Lordship is at perfect liberty to use this letter in any mode you may deem fitting; if, indeed, the letter of so humble an individual may be considered of any consequence or weight.—I have the honour to be, your Lordship's obedient servant, "ARTHUR BROWNE.

"The Right Hon. the Earl of Eglinton."

I beg to assure your Lordships that in all that I have stated upon this and upon every other occasion in connexion with this question, I have been influenced by no feeling whatsoever of ill-will against Mr. Keogh. It will give me great pleasure to find that the accusations which have been made against that Gentleman are unfounded; but I cannot shut my eyes to the fact, that more than one witness of the highest respectability has borne testimony to the truth of that accusation, and that the circumstances of the case are, therefore, of such a nature as to demand inquiry. I ask you to consider what the real question is. The accusation made against the Solicitor General for Ireland charges him with having made use of certain expressions which—and I appeal to my predecessors in office to bear me out in what I state—in Ireland would be understood distinctly to recommend assassination. I will appeal to any man who knows Ireland, whether the ribbon watchword, couched in doggrel verse, is not of a character similar to the words attributed to Mr. Keogh? The accusation is, that the Gentleman who did use those words at the last general election has been made Her Majesty's Solicitor General for Ireland—one of the most responsible positions in which any man can be placed. The Solicitor General for Ireland, if not a Member of Parliament, is liable to be called upon to discharge the duties of a Judge upon circuit, and, in the absence of the Attorney General, must prosecute in criminal cases—one to whom the people of Ireland ought to look up, for the just, firm, and impartial administration of the law. Under these circumstances I beg most earnestly that your Lordships will grant a Committee of Inquiry in this case. This is no mere anonymous slander—no vague rumour or report, but consists of an affidavit, of letters signed by gentlemen whose names have been given to your Lordships—three magistrates—two Quakers, and the clergyman, the rector of the parish at Moate—gentlemen who certainly, if there is truth in man, ought to have credence given to them. The noble Duke's speech was one of the most convincing I ever heard to carry out the wishes of his opponents, for I never heard any better arguments in favour of a Motion he wished to oppose. It would give me no pleasure to find Mr. Keogh guilty. I am no bitter opponent of the present Government, or I trust of any man whatever. I do not believe it is considered my character. I merely wish that this question should be fairly and honestly sifted. I do not say it in prejudice to Mr. Keogh, because he has not had time to bring as much information as he might get upon the subject; but upon our side, as far as it yet goes, the evidence is certainly preponderant. I will not take any credit to ourselves for that. Noble Lords opposite have not had time to get up their evidence, but I wish to give them time and go into the whole question, not only for the sake of those gentlemen who, to a certain degree, have placed their veracity in the hands of the noble Marquess and myself, but for the credit of the Government, and of the hon. and learned Gentleman himself; and I can only say, if these accusations are disproved before a Committee of your Lordships' House, I shall be the first man to shake the hon. and learned Gentleman by the hand, and tell him I am glad of it.

The EARL of ABERDEEN: My Lords, I will only say a few words. Being, perhaps, the person chiefly concerned in this "disreputable" appointment, I feel called upon to assert that I do feel that no such character is involved in the act. On the contrary, if this be one of the most "disreputable" appointments I have made, I think I ought to be very well satisfied with the composition of the Government. The noble Earl opposite has made a most extraordinary statement of his course of conduct in this matter. He tells us he received an affidavit or declaration affirming the accusation brought forward by the noble Marquess, and that he referred it to the proper quarter—his law advisers—who told him there was no cause for proceeding further in the matter.

The EARL of EGLINTON: I said I believed I had referred it to the law adviser of the Crown.

The EARL of ABERDEEN: Of course I am bound to believe what the noble Earl believes. The noble Earl draws a great distinction between the position of Mr. Keogh as Her Majesty's Solicitor General for Ireland, and the condition in which he stood when the noble Earl received the declaration. But I do not think the distinction is such as to exonerate the noble Earl from fulfilling his duty on that occasion; for Mr. Keogh as a Queen's Counsel, would deserve the reprehension and reprobation of the noble Earl as much as if he were Solicitor General. Even if I believed—which I do not believe—the accusation brought against Mr. Keogh—for, after the statement of my noble Friend near me, corroborated as to the words delivered by Mr. Keogh by a witness above all exception, standing by his side, and ready to attest it upon oath—I do not believe this accusation; but even if I did believe it, I should say that this House was not the fit place for coming to a proper decision on the matter. We are asked to appoint a Select Committee to inquire into a charge of sedition. Why, my Lords, we are judges as well as accusers in this case, and it may be brought before us in the last resort for judgment. Now, I think the proposition most preposterous. To say the truth, when the noble Marquess gave notice of the Motion, I really thought he was not in earnest, and that he only brought the matter forward as the vehicle of a speech which should constitute an attack upon Mr. Keogh or upon the Government. Having, on a former occasion, brought forward a Motion which had reference to a matter of deep importance, he introduced this attack upon Mr. Keogh without the slightest notice, without the slightest reference to the subject which he professed to bring before the House; and I thought that this was only a mode of putting himself in order for making a Motion; but I never could believe that he would expect your Lordships seriously to entertain such a proposition. At all events, I protest against such a course, as utterly unbecoming and unsuitable to the functions and the dignity of this House. The accusation is one which I consider, under the circumstances, of a trumpery character; but at all events, if it were serious, this is not the place in which it ought to be brought forward.

LORD BROUGHAM: My Lords, it is just as well we should consider what is the real objection to this Motion, which was very distinctly shadowed out by the noble Earl who has just spoken, but which, I think, is still stronger than he has made it appear. I put entirely out of view the question whether Mr. Keogh did use the words attributed to him or not. If we are to view what were probably the intentions and feelings of Mr. Keogh in using them. there may be evidence on one side—there may be evidence on the other. I will take it there is a conflict of evidence: whether that conflict is equal on either side, or whether there is a preponderance on one side or the other, in my view of the case, is wholly immaterial; because, though there is a conflict of evidence, I entirely agree with my noble Friend who spoke last that this is a Motion we ought not to entertain. Suppose it to be an inquiry which we ought properly to raise in this House, and to prosecute here, there being a conflict of evidence, I agree with the noble Earl who spoke last but one that that is a reason for going into the inquiry rather than against it. Let us consider what we are. We are a court of law—a court of criminal law—of criminal law in the last resort—a court to which all other criminal law courts are subordinate, and from every one of those courts an appeal lies to this House as the supreme court in the last resort. Then, are we the proper parties, and is this the proper place, to enter into an inquiry whether a certain individual has broken the law of the country and committed an offence, be it in his public or in his private capacity, or in both? It cannot, however, be said that, because this gentleman was not Solicitor General, but only Queen's Counsel, that therefore the offence, if any, was not committed in a public capacity. The office of Queen's Counsel is a public office, though of a different kind from that of the Solicitor General, and having many duties of a Crown lawyer vested in it, and great responsibility attached to it in reference to the constitution and the law of the country. But what is the matter with which he is charged? With sedition. It is either that or nothing at all. I am rather disposed, with the noble Duke, to treat the words stated to have been used as having been careless expressions, probably exaggerated by those who heard them; but, if they were seriously spoken, and if they constituted the offence — a grave offence, I am far from denying— with which the Gentleman in question is charged, what are we now called on to do? Why, to act as a grand jury. Though nobody regularly prefers a bill before us, yet we, the court in the last resort, and who might probably have ourselves to decide on the case, are to convert ourselves into a grand jury, and put the accused party on his trial. The consequence might be this, that the report of the Committee might be in accordance with the statement of the noble Marquess, that the words were used. That, I repeat, would amount to neither more nor less than that Mr. Keogh about a year ago was guilty of sedition. Are we, then, to send that report before a grand jury, and to put Mr. Keogh on his trial? Are we to instruct the Attorney General for Ireland, or possibly the Solicitor General, Mr. Keogh himself, to file a criminal information against him, and, being the court to try him in the last resort, are we thus by anticipation to convict him? And supposing the jury were to convict the hon. Gentleman, and that the case is brought judicially before your Lordships, are we, then, calmly to consider whether our Committee was right or wrong, and to discharge the highest of all our functions, after having discharged a function of a totally different character—namely, that of the grand jury of the county of Westmeath? Do not let it be supposed that, in making these observations, I consider that no case can arise in which your Lordships, though a court of criminal justice may not properly enter upon an inquiry to which may be incidental some charge of a criminal description. I can well imagine that your Lordships, exercising your other functions as a branch of the Legislature and as advisers of the Crown, may be called on, and would in such case undoubtedly have jurisdiction, and, if I may so speak, authority to enter upon an inquiry whether an appointment made by the Executive Government was justifiable under the circumstances of the case. I say you have an undeniable right to enter on such inquiry; but I consider that the argument I have urged respecting the judicial functions of your Lordships, as well as common discrimination and constitutional principles, ought, if the ground of objection to the appointment be a charge of a criminal nature, to warn you against entering upon the inquiry. Without disputing the constitutional functions of this House as advisers of the Crown in respect to all appointments and every exercise of the prerogative, there are obvious and irrefragable reasons against this House ever, or almost ever, entering upon the investigation of a matter of such a nature as comes in conflict or collision with its judicial functions. As to the document, with respect to which an appeal has been made to me for my opinion, it was not an affidavit, but a voluntary declaration, allowed under the Duke of Richmond's Act.

The EARL of DERBY: My Lords, I am extremely obliged to my noble and learned Friend for having interposed between the House and the few observations I am about to offer, by the statement he has just made as to the grounds upon which he objects to comply with the Motion of my noble Friend; but I think that the observations he has just made show that the grounds of his objection to the Motion are rather technical than otherwise. I must say that, in the course of my Parliamentary experience, I recollect very few cases in which there were so many collateral issues successively joined to mystify and withdraw from consideration that which was the original charge made by my noble Friend. That charge was not, in the first place, a charge against Mr. Keogh personally, nor against him in any capacity, but against Her Majesty's Government for the selection of Mr. Keogh, under the circumstances, to fill the office of Solicitor General for Ireland. In point of fact, the mention of Mr. Keogh's name at all by the noble Marquess was incidental to the main point of his inquiry, which was, whether, with regard to the administration of justice in Ireland, Her Majesty's Government had pursued a course calculated to promote the impartial administration of justice, and to inspire confidence in that country; and, in support of the view which the noble Marquess takes, that the Government were not entitled to claim this character, he put forward this appointment at a particular moment of a Gentleman, as Solicitor General, who was stated to have made use of expressions which I think the House generally agree—and, notwithstanding what the noble Duke has said, the House, I believe, will still be of opinion, if they were used by Mr. Keogh—would be a very serious objection and obstacle to the due performance of the duties of Solicitor General of Ireland.

My noble Friend the late Lord Lieutenant (the Earl of Eglinton), after the incidental mention of Mr. Keogh's name, stated that he thought this the least reputable appointment of the Government. Upon that a new issue is joined, as to the intention of the Government in the appointment of Mr. Keogh; and then the noble Duke (the Duke of Newcastle) thought it incumbent on him to state that he was able to recriminate and retort, by saying that Her Majesty's late Government had offered office to Mr. Keogh, and that he could state upon the best authority—that of the hon. and learned Gentleman himself—that there had been an offer of office made to him on the part of the late Government. Upon that, not in this but in the other House, a new issue was joined, and a question raised as to whether such an offer had or had not been made. I will say a word or two by-and-by on that subject, to which, however, I shall not advert at more length than the noble Duke. Then comes another collateral issue, whether my noble Friend, the late Lord Lieutenant, having received an affidavit stating what was the character of these words, had pursued a right course with regard to that affidavit, or whether it was his duty to have instituted criminal proceedings against Mr. Keogh? Lastly, comes the issue joined by my noble and learned Friend, that this, which is a criminal accusation, is not a fitting matter for your Lordships' consideration. I will deal first with the question which, in fact, involves some of the other issues, as to whether my noble Friend was right in considering this as one of the least reputable appointments of the Government; and as to the counter assertion, that office had been offered to Mr. Keogh by the late Government, I will take the liberty of saying a very few words. In the first place, I beg to say that I have not the honour of a personal acquaintance with Mr. Keogh, and I am certain I never spoke to him in my life. I have no knowledge whatever of Mr. Keogh's private personal character, and I should be exceedingly sorry to say a word against it. Until the other evening, when he was pointed out to me, I had not seen him, and I do not even now know him by sight. With regard to him, although I did not use the expression of my noble Friend, that this was the least reputable appointment of the present Government, I am ready to say that, upon the supposition that such language was used by Mr. Keogh as that which is attributed to him, and with the knowledge of the notoriety of the general course pursued by Mr. Keogh during the last summer, I concur with my noble Friend in thinking that the appointment of Mr. Keogh was a most unfortunate appointment on the part of Her Majesty's Government. Nor is this inconsistent with the fact of there having been, with or without authority, any suggestion or offer made to Mr. Keogh in February, 1852, to take office under the late Administration. The fact was, that I certainly made no offer, I thought of making no offer, I knew there were so many important points of difference between Mr. Keogh and the general spirit of the Government about to be formed, that it never occurred to me to make an offer, which I concluded would have been rejected. But my confidence in that result has since been somewhat shaken; for I should certainly no less have expected that Mr. Keogh would take office under the Administration of which I was the head then, considering what took place in January, 1852, and the great vehemence with which Mr. Keogh urged his personal opposition to my noble Friend opposite (the Earl of Clarendon), the then Lord Lieutenant of Ireland, than I should have thought of his accepting office in a Government of which the noble Earl was a prominent Member, or with the strong feeling of Mr. Keogh, as a member of the Roman Catholic Church, I should have thought he would take office under the noble Lord the leader of the House of Commons. But the difference between the political opinions which we entertained, would, I concluded, have as much precluded him from accepting as they did me from offering office. I am far from disputing the great talent and abilities of Mr. Keogh; but on many points there were great differences of opinion between us, which precluded any offer of that kind. Mr. Keogh's repugnance to join a Government of which Lord John Russell was a Member, may have been overcome by the counteracting influence of the noble Earl at the head of the Government; and recent circumstances would certainly lead us to the belief that his confidence had not been misplaced, as the noble Earl has thought it consistent with his duty to repudiate, explain, and apologise for the language held in the House of Commons by his Colleague, who fills no office whatever with regard to the present Administration, unless that of representing in his language and his speeches in the House of Commons the views, the feelings, and the policy of Her Majesty's Government. But the noble Duke has referred to the discussion that took place last evening, in another place, and has stated that he conceives the question of Mr. Keogh's character, which, in fact, was never brought into issue at all, had been perfectly set at rest by what had taken place. I will say to the noble Duke that my impression of what has taken place is, that it has been a complete and absolute verification, admitting the statement of the hon. and learned Gentleman himself, in opposition to the statement of the noble Duke, that no offer of any office was made to him, with or without authority, at the time of the formation of the late Government; and there is not the slightest doubt, whatever inference he may have drawn from unauthorised words used in private conversation—in which, even between two honourable men, there may be a difference between the intention of the one and the understanding of the other—that this at least is clear, that, with my authority or my knowledge, or the authority or knowledge of any one authorised to make the offer, no offer of office had been made to Mr. Keogh by any one on the part of the late Government. But, if any such offer had been made, it would have been perfectly reconcilable, although such an offer might have been made to Mr. Keogh in February, 1852, that his appointment in December, 1852, as Solicitor General was a discreditable appointment to the Government that appointed him—discreditable, not on account of Mr. Keogh's personal and private character, for of that I know nothing, but discreditable on account of the position in which, during the whole course of the summer, and during the contested elections, Mr. Keogh had placed himself with reference to those elections. Mr. Keogh, in the exercise of his political views, thought it incumbent on him to make himself known, from one end of Ireland to the other, as the representative and agent of what is called the Catholic Defence Association; and in that character, from borough to borough, from county to county, Mr. Keogh lent his active services to those bodies of the Roman Catholic priesthood who, in many of the counties, as has been proved by responsible testimony, combined together, and by the exercise of their spiritual authority and influence, did all in their power, absolutely and entirely, to destroy the freedom of election, and lead the Roman Catholic voters, under the ties of religious obligations, bound hand and foot, to vote for their nominees. It has been proved, and it may be proved, that, in more than one county, there was this interference of the Roman Catholic priesthood generally, no doubt with some honourable exceptions, which, however, were exceptions, and were not the rule. They were the active body, canvassing and conducting the elections in a manner absolutely inconsistent with anything like freedom of election, or liberty of political conscience; and of that body Mr. Keogh constituted himself the avowed and accredited agent and instrument, pressing upon the various constituencies the views of these rev. gentlemen. In that character he appeared on the hustings at Westmeath, and also at his own election on the hustings at Athlone; and having travelled through Carlow, and other counties, where similar proceedings were taking place, he comes forward as the agent of what a noble Lord in another place justly characterised as a conspiracy against all civil freedom. Mr. Keogh presents himself as a candidate for Athlone, and upon the hustings makes use of language which, if it can be verified, I say, that, in conjunction with his general course of conduct, it renders him the most unfit selection, as law officer of the Crown, which could have been made by a Government professing to have the slightest respect and regard to the principles of civil and religious liberty and constitutional freedom. If to that course of proceeding these words be added, which I cannot consider, like the noble Duke, immaterial and insignificant, absurd, and not worthy of notice—if, in addition to his general course of conduct, he used words which, to the inflammable minds of the Irish population, could bear no other reasonable meaning than a general incitement and encouragement to visit, in the course of the long dark nights of winter, upon any voters, the course they might take in the conscientious exercise of their political power—whether these words can subject him to a criminal prosecution or not—that course of proceeding and that language rendered him the man the most unfit for any office, but, above all, for any office connected with the due administration of the law and the repression of disorder. That is the only view I take—not whether Mr. Keogh has been guilty of an indictable offence, but whether the Government, in selecting Mr. Keogh for the office of Solicitor General at that time, and under the circumstances, selected an individual whose appointment was likely to produce a favourable impression on the minds of the people as to the due administration of the law. After the memorable declaration made by the noble Earl at the head of the Government, I presume my noble Friend (the Earl of Cardigan) will not bring forward the subject of which he has given notice to-night. I am not going to argue that point now; but when the time comes I shall say that the course pursued by the law officers of the Crown upon that occasion gives a signal corroboration to the opinion that offences which have been committed, provided they have been committed by persons who have a certain political influence, will be lightly treated. I will not consent to disconnect that which followed from the prosecution itself. The noble Earl (the Earl of Aberdeen) may shake his head, and treat this argument with great contempt; but we have, in the first instance, language used which, in my opinion, renders the person who used it unfit for a high legal office in Ireland—and intimidation practised at elections; and then, as probably will be proved on a future day, a course of conduct is pursued by the Attorney and Solicitor General for Ireland which strongly corroborates in the public mind the impression produced by Mr. Keogh's appointment. Again, I presume it is the opinion of your Lordships that the words imputed to Mr. Keogh—if they can be brought home to him—do bear such a character, and do wear such a complexion, as materially to damage the satisfactory performance of his duty as one of the law officers of the Crown. But the question is raised—Were those words used or not? The noble Duke opposite, who spoke with considerable ardour and vehemence in the earlier part of the evening, falls foul of my noble Friend for having brought forward this question without having given due notice. Why, my Lords, on a former occasion the noble Marquess mentioned that case incidentally; and even before he did so, he communicated to the hon. and learned Gentleman his intention of making that statement and that charge which has since been submitted to your Lordships. My noble Friend was then challenged, and was then told that he was bringing forward these accusations without the shadow of proof, and that he was bringing them forward not only in the absence of the person accused, but without being able to present the shadow of a case on which to rest his assertions. My noble Friend thereupon gave notice of a Motion on this subject; and when he brings forward his proofs, or those statements on which he desires to go to issue, and when he courts a fair trial and a fair investigation, then, forsooth, he is told that he has employed the interval in ransacking Ireland, for the purpose of bringing forward that proof which, on a former occasion, the noble Duke opposite complained had not been brought forward, and the non-production of which he alleged as a ground for objecting to a previous Motion made by the noble Marquess. Now, my Lords, we do not say that Mr. Keogh made use of these expressions—we do not say we hold he has no defence to make; but this we do say, that throughout the whole course of the summer and autumn it was a matter of notoriety and general discussion that such and such language had been held by Her Majesty's present Solicitor General for Ireland previous to his election; and my noble Friend the noble Marquess, and my noble Friend near me (the Earl of Eglinton), have prepared declarations in the most solemn form, of persons who have subscribed their names, and who are ready to swear, if subjected to your Lordships' cross-examination, that such words were used, and used in their hearing, by Mr. Keogh; and then the noble Duke opposite finds it convenient to say the matter is one with respect to which there is not a shadow of a case made out, because Mr. Keogh himself denies that he made use of any such expressions. But the noble Duke brings forward the proof of Mr. M'Nevin, the private solicitor of Mr. Keogh. Now, I know no more of that gentleman than I do of Mr. Keogh himself. Well, what does he state? Why, that he was standing by, and that he did not hear Mr. Keogh use the expressions—

The DUKE of NEWCASTLE: He says he must have heard them if they were used.

The EARL of DERBY: Well, he says if he used the words he must have heard them. Then we are to take the declaration of Mr. M'Nevin, the private solicitor of Mr. Keogh, in opposition to affidavits of twenty-four or twenty-five respectable gentlemen, who are wholly unconnected with him. On two occasions they heard the same language used by Mr. Keogh, and though there may be some small discrepancy in the language of these several persons, they are just those discrepancies which are likely to happen when a number of individuals come to speak upon the particular language used in a speech; and though their words are not identically the same, they carry through them the same idea—in many respects the identical expressions—and they convey the same unmistakeable interference, intention, meaning, and course which Mr. Keogh suggested if not recommended. I will not weary your Lordships by going into the question of what course my noble Friend the late Lord Lieutenant of Ireland was bound to take when the affidavits were placed in his hands. It is said that though the magistrates were conscious of such language being used, they made no representation to the Government at the time, but reserved their representations until the present moment. In the first place, it appears from the statement of my noble Friend, that from some quarter or other representations were made to him in the ordinary course, of the language used by Mr. Keogh; but a law officer of the Crown might very well be of opinion that, on a statement so made, there was no ground for a criminal prosecution of Mr. Keogh, and that a criminal prosecution of him at that moment, considering the position in which he stood, and the political hostility which subsisted between him and the Government, would not be a proceeding which would carry with it the general approval, while it might be interpreted into an act of political hostility. But it is perfectly consistent with the fact that there should be no charge of a criminal nature which could be substantiated against Mr. Keogh, and at the same time that Mr. Keogh's language was such that, if he had been in any degree connected with the Government, it would have been impossible for the Government to pass over such language on the part of one of their servants—still more impossible, I should have thought, that, with a knowledge of that language, whether it would subject him or not to a criminal prosecution, any Government could have appointed him to any office, but especially to an office connected with the administration of the law in Ireland. I confess, I regret that, in bringing forward this question, my noble Friend the noble Marquess should have inserted in the notice of his Motion words which give some colour to the arguments used by my noble and learned Friend (Lord Brougham). I undoubtedly regret that, in moving for this Committee, he has characterised the language used by the Solicitor General for Ireland as seditious language, because that does give some colour to the arguments of my noble and learned Friend, that where a judicial crime is imputed, this House is not the fit place for inquiring into the matter. But, my Lords, my noble and learned Friend himself admitted that there were cases where, though on examination, there might incidentally appear to be a substantiation of some charge of criminality against an individual; yet, in that case, if the charge bore on the character of the Government and on the public interests, and only secondarily on the individual whom it happened to involve, it would not be a sufficient answer to say the matter was in the nature of a criminal proceeding, and could not be inquired into by this House. I have no hesitation in saying that the ground on which my noble Friend brought forward this question—still less do I hesitate to say that the ground on which I am inclined to support the proposition—has no reference to the personal and political character of Mr. Keogh himself in the slightest degree. We have no desire to subject him to a criminal prosecution—we have no desire to express an opinion personally hostile to him, or hostile to anything except the dangerous tendency in Ireland of those doctrines to which he gave expression. Our object is to see that there is due precaution exercised by this House over the administration of the law and over the conduct of the Government in the selection of those persons to whom is entrusted the administration of the law. The question is not the culpability or criminality of Mr. Keogh—the question is as to the discretion exercised by the Government in appointing Mr. Keogh to that particular office; and the discretion exercised by the Government turns mainly on this fact, which we do not desire to assume, but on which we desire inquiry should be made, namely, whether Mr. Keogh did make use of the language which, by general report, and by the affidavits produced by the noble Marquess, it is said he used. When the noble Duke opposite produced Mr. M'Nevin as a witness, and said he was ready to be examined and swear to the facts detailed in his affidavit, I will tell that noble Duke that the noble Marquess desires no more. That is all that my noble Friend seeks. Those persons who make the charge, and who defend the hon. and learned Gentleman, the noble Duke and my noble Friend therefore alike desire should be brought before your Lordships' tribunal, and that the former should there on oath substantiate all their charges, which, if they are true, cast a reflection, not so much on the character of the hon. and learned Gentleman himself, as on the discretion of the Government who appointed him. I have stated the view which I am disposed to take of the merits of the question brought forward by my noble Friend. I cannot agree to the proposition —setting aside the single word sedition— that this is a question which it does not concern your Lordships to inquire into, or which is not worth the consideration of your Lordships; I cannot assent to the proposition that, if these words were used, they do not disqualify Mr. Keogh for the situation of one of Her Majesty's law officers of the Crown, or, still more, for the high judicial station to which those offices generally lead. I cannot pretend to say, and I think none has said, that there is not a *primâ facie* case at all—that, at all events, a grave case of suspicion has not been made out—that these words, notwithstanding the denial, whether made unintentionally or not, were actually made use of and substantially held by Mr. Keogh. The way in which the matter now stands before the country is this: on the one hand, there are a number of affidavits of credible witnesses, who were present and heard the words used, and who are ready to substantiate them—and they are prepared to adduce the evidence of hundreds of others, if necessary, in corroboration of their own testimony, for the words were publicly and openly used; and, on the other hand, the denial of the Solicitor General and his private solicitor, that these words were, to the best of their belief, not employed. But neither the one nor the other can speak positively on the subject; and the Solicitor General himself says he cannot answer for all the various speeches which he made at Athlone and other places; and these statements are to be set against the positive offer to substantiate before your Lordships the charge already mentioned, and which, if it can be substantiated, I am sure you will think is not unworthy your consideration. But, my Lords, if the argument of my noble and learned Friend is to prevail, and if the Government and the hon. and learned Gentleman himself are satisfied to leave the question in its present position, after the statement which has been made, and after the discussion which has taken place here and elsewhere, I will venture to tender my advice to my noble Friend the noble Marquess that he should not press his Motion, as I, for my part, am fully satisfied with his having made an offer to substantiate the charge which he has put forward; and I am ready to leave to the Government, and to the hon. and learned Gentleman and his friends, the responsibility of shrinking from further investigation.

LORD CAMPBELL was understood to say that, notwithstanding the ingenious turn which the noble Earl had given to the discussion, it was an indictment against Mr. Keogh, and their Lordships were asked to initiate that indictment, being the Supreme Court of Appeal in all criminal matters. It was not a Motion of inquiry into the conduct of Her Majesty's Government in the appointment of Mr. Keogh; but it was for a Committee to inquire into seditious language alleged to have been used by the Solicitor General for Ireland. Suppose the Committee had been appointed, and had found that the language alleged had been used by Mr. Keogh, what would they have then done? They could not have dismissed him from Her Majesty's service, however much they might censure his proceedings. He, therefore, entirely concurred in the propriety of withdrawing the Motion.

The MARQUESS of CLANRICARDE wanted to know how the noble Earl the late Lord Lieutenant of Ireland became the depository of official documents. It appeared that he had quitted Ireland, carrying away with him an official document reflecting on the character of a man occupying a high position under the Crown, for so a Queen's Counsel might be fairly designated, as he might, if he chose, be a magistrate in any county in Ireland.

The EARL of EGLINTON said, he must really interrupt the noble Marquess. The document was an unofficial document; it was given to him as a private individual; it was not sent to him in the capacity of Lord Lieutenant, or as a Minister of the Crown.

The MARQUESS of CLANRICARDE understood the noble Earl to say, that he submitted it to the law officers of the Crown.

The EARL of EGLINTON rose to order. He distinctly stated, he believed he submitted the case of Mr. Keogh to the law advisers of the Crown; but he never stated he submitted that affidavit to the law advisers of the Crown, because he never did so.

The MARQUESS of CLANRICARDE would be obliged, if the noble Earl would state what he did submit to the law advisers of the Crown.

The EARL of EGLINTON had already stated what he believed he submitted to the law advisers of the Crown—that he submitted to them all cases in which he heard of violent language being used, and amongst them was the case of the language used by Mr. Keogh; but the affidavit which he had read to their Lordships was never out of his possession.

The MARQUESS of CLANRICARDE could by no exertion of his intellect conceive how the affidavit came into the possession of the noble Earl. If it were sent to him whilst he was in Ireland, it must have reached him in his official capacity; because he could not understand the noble Earl divesting himself of his official position when a man told him he had a grave accusation to bring against a Queen's Counsel. It might be as well said by a Lord Lieutenant, if charged with being cognisant of high treason, sedition, riot, or any other grave offence, that he only knew it in his private capacity. He could not possibly separate the noble Earl in Ireland into his individual capacity, and his capacity as Lord Lieutenant. It appeared that when the noble Earl was Lord Lieutenant, this declaration, affirmation, affidavit, or by whatever name it was best described, being a document of importance, was given to him, and he put it in his pocket, brought it out of the country, and nearly a year afterwards, without notice, it was made the foundation of an accusation against a person in a responsible position in the service of the Crown. He thought such a practice as that ought not to be permitted; and he desired to hear it more clearly explained. According to the noble Earl who spoke last, the speech of Mr. Keogh was very notorious, and was considered so remarkable as to be borne in mind by persons in high positions; but no one had produced a single newspaper containing any notice of it. Not that a newspaper report would be any evidence to him of the truth of the charge—but they knew that newspaper reporters did take down speeches in shorthand with considerable accuracy, even though they were speeches made in a hurry; and the production of a newspaper report would at all events have been more satisfactory than this wonderful document or information. It depended on the authority of Burke, and was supported by Mr. A. Browne, the son of the agent of Mr. Lawes, and Mr. Lawes himself, who had shown the greatest personal animosity against Mr. Keogh. It was said that Mr. Keogh had evoked a great deal of intimidation; but if that had been so, it would have been brought forward, since he was the subject of such violent political and personal opposition. He would not enter upon the grave subject of how elections in Ireland were to be better conducted; but when the party with whom Mr. Keogh acted were spoken of as the enemies of civil freedom, he would ask, was it or was it not the fact, that the Catholic constituencies of Ireland—Westmeath, Athlone, Clare, and other constituencies—did return men of their choice at the last general election? He believed very improper language was used by the priests; indeed, he was very sure of it. He regretted it exceedingly. But was there no other coercion used in Ireland—were no other parties enemies to civil freedom? He believed the answer must be in the affirmative; for he said every landlord who exercised undue coercion on his tenant upon the subject of his vote, was equally an enemy of civil freedom. If this were a great party Motion, designed for the purposes of party warfare, it might be justified; but if it were intended merely as an attack upon an individual of high legal attainments, of great power both in Parliament and the country, and one of the servants of the Queen, he did say it was unfair to keep this document concealed for nearly twelve months, and then to use it without any notice being conveyed to the person it affected. He was, therefore, gratified at hearing the noble Earl recommend the withdrawal of the Motion.

The MARQUESS of WESTMEATH besought their Lordships to allow the bearer of the battered quiver, and the hurler of the rusty bolts, to occupy their attention for a few minutes. The other night he was taunted with bringing charges on the authority of newspaper reports, and now he was rated for not having supported the best possible authority by the corroboration of some newspaper. He really did not know how to meet the different opinions expressed. The noble Duke opposite had directed a great portion of his remarks to show that this language was all nonsense, and unworthy of notice. If that were so, he wanted to know why the present Government, in the month of January, prosecuted persons at Liverpool who used ribbon signs and tokens? It had been thrown out against him, that he had not supplied the names of the magistrates; but he would candidly admit that he did not think it safe to disclose them, and that was the only reason for his refusal. Upon the whole, considering what his noble Friend (the Earl of Derby) had recommended, though he was confident not one single atom he had stated had been shaken in the slightest degree, he should follow his advice and withdraw the Motion.

Motion, by leave of the House, *withdrawn.*

House adjourned to Tuesday next.

HOUSE OF COMMONS,

Friday, June 17, 1853.

MINUTES.] NEW WRIT.—For Durham, *v.* Lord Adolphus Vane, void Election; for Peterborough, *v.* George Hammond Whalley, Esq., void Election.

PUBLIC BILLS.—1° Seamen's Savings Banks.

2° Soap Duties.

3° Excise Duties on Spirits.

THE BURMESE DESPATCHES—MORTALITY AMONG THE TROOPS.

MR. COBDEN said, he rose to move that the House at its rising should adjourn to Monday next, that he might have an opportunity of making some remarks in reference to the documents which had been presented to the House relating to the Burmese war. It could not but have been observed by those who had read with attention the despatches and correspondence in question, that nearly all the more important documents were not given in full, but that only extracts of them were furnished. When they had papers referring to communications with civilised countries with which they were engaged in war laid on the table, it might be impolitic to give information to the enemy, and there might also be risk of giving additional offence by the publication of the whole of the documents which might contain irritating matter; but he could not understand how these reasons could apply to Burmah, any more than they could apply to the papers in reference to the war with the Kafir tribes. It was not likely the Burmese Government could get access to our blue books, and he did not know of any great evil that could arise even if they did. He therefore asked, how could the House judge of the character and conduct of those by whom we had been involved in this war, unless they had all the information that could be afforded, and how could the public men engaged in it be justified unless the whole case was seen by the world? He observed that Lord Dalhousie had sent Commodore Lambert to Rangoon with specific instructions, and, among the rest, with some very emphatic directions to avoid hostilities until he had communicated with India; but he found those instructions had been set aside and departed from, and, yet, in reading the correspondence of the Governor General after these events had occurred, he had not found one word of censure or of disapprobation in reference to the evident disobedience to his orders. The Earl of Derby, the Premier of the day, had indeed expressed in the House of Lords his disapprobation of the precipitate conduct of Commodore Lambert; but the Governor General had not. The despatches from the Governor General were nearly all garbled and mutilated, and that circumstance had led him to the supposition that portions of those despatches had been suppressed which might be necessary for the vindication of the Governor General himself, for, as they stood, he did not seem to him to have vindicated his own authority, or that he had a will and purpose which would be obeyed by those under his command. He thought the House should have the fullest information before it respecting such grave questions, unless in the cases to which he had already alluded, of war with civilised countries. He was the more particular in calling the attention of the House to the present case, because he remembered well what had been done with the despatches relating to the Affghan war, the circumstances connected with which were not known for two years after. In that case some of the secretaries employed in the preparation of the documents hardly knew their own productions. He would read an extract from the admirable historical work of Mr. Kaye in reference to this subject, as follows:—

> "I cannot, indeed, suppress the utterance of my abhorrence of this system of garbling the official correspondence of public men; sending the letters of a stateman or diplomatist into the world mutilated, emasculated, the very pith and substance of them cut out by the unsparing hand of the State anatomist. The dishonesty by which lie by lie is palmed upon the world, has not one redeeming feature. If public men are, without reprehension, to be permitted to lie in the face of nations—wilfully, elaborately, and maliciously to bear false witness against their neighbours—what hope is there for private veracity? I care not whose knife, whose hand did the work of mutilation; and, indeed, I do not know. I deal with

> principles, not with persons, and have no party ends to serve. The cause of truth must be upheld. Official documents are the sheet-anchors of historians, the last courts of appeal to which the public resort. If these documents are tampered with—if they are made to misrepresent the words and actions of public men, the grave of truth is dug, and there is seldom a resurrection. . . . In most cases the lie goes down unassailed, and often unsuspected, to posterity; and in place of sober history we have a florid romance."

He did not wish to apply these severe remarks to the East India Company; but the very process of mutilating the Affghan documents had, as they knew, taken place under the direction, with the approbation, and under the very hands of men still living among them, and holding a distinguished position in political affairs. Without charging anything of the kind against any one in this case, he held that the House were bound to be watchful and suspicious on such a subject, and to see they were fully informed as to what was done; for, let them mystify it as they might, it was ultimately to that House that the responsibility of providing for the consequence of those wars would come. He, therefore, begged to ask the right hon. President of the Board of Control where and by whom the papers respecting the Burmese war were prepared to be laid before Parliament, and who was responsible for the selections of the extracts?

Mr. BAILLIE said, it was not his intention to enter into any discussion with the hon. Member in respect to the policy which all Governments adopted, rightly or wrongly, of withholding such portions of papers asked for as they might deem it expedient to produce. He thought the practice of cutting out extracts of despatches was very often abused. He remembered that when he brought before the House the subject of the Affghan war, he pointed out that the despatches of Sir Alexander Burnes had been mutilated to such an extent that in many cases the letters he wrote were made to express an opinion precisely the contrary of that which he really entertained. He must complain, however, of the course taken on the present occasion by the hon. Member, who had put on the notice paper a simple question—who was responsible for the selection of the extracts laid before Parliament? Of course, the simple answer was, that the then President of the Board of Control was responsible; but he complained that the hon. Member should have taken an opportunity of making statements with respect to those despatches without giving notice to the late President of the Board of Control, who was the responsible Minister at the time, but who was not now present to vindicate the course he had taken. He had no hesitation in saying, whatever the consequences might be, that the late President of the Board of Control (Mr. Herries) was responsible for the despatches in question.

Mr. HUME said, he must also express his disapproval of the practice of mutilating official documents, which were, in fact, the "raw materials" of history. He had been authoritatively informed that two despatches of Sir Alexander Burnes, which entirely exculpated Dost Mahomed from the charge of having provoked the Affghan war, had been mutilated in a most disgraceful manner. He had no language to express his disgust and indignation at conduct so unworthy and dishonourable. In the Navy estimates he found that provision was made for a pension of 150*l.* a year for Capt. R. Lambert, in consideration of his services in the Burmese war; but he was credibly informed that if all the documents relating to that deplorable event were before the House, there would appear strong reason to suspect that the officer in question deserved no such remuneration, having been the person who, by his disobedience of orders, had himself been the cause of hostilities in the first instance.

Sir CHARLES WOOD: It is my duty as President of the Board of Control, I believe, to answer the question put to me by the hon. Member for the West Riding; and in reply I have to state that the despatches on the subject of the Burmese war were prepared at the Board of Control, and that the President of the Board of Control at the time the extracts were prepared is responsible for them. I have no reason to complain of the speech of the hon. Gentleman (Mr. Cobden), as my conduct is not impugned; but I rather agree with the hon. Gentleman opposite (Mr. Baillie) that it is inconvenient that the conduct of the right hon. Gentleman the late President of the Board of Control (Mr. Herries) should have been impugned as it has been to-night, more or less, without his having the slightest notice that it would be questioned.

Mr. COBDEN said, that he had no intention of impugning the conduct either of the late or the present President of the Board of Control; for he never yet met with any one who could tell him who was responsible for the garbling of despatches.

He had asked several persons who were likely to know, and had been invariably told that the papers were prepared at the India House.

Mr. BRIGHT said, that he had seen a private letter from an officer in the India Company's service, which gave a most appalling account of the mortality amongst the troops engaged in Burmah. It stated that one regiment had lost—not in action, but from the effect of the climate and the inconveniences to which the troops were exposed—no fewer than 400 men; and there were three, or at any rate two other regiments, which had been reduced to mere skeletons by the operation of the same causes. Now, although he was not particularly fond of soldiering, he thought that the lives of soldiers were just as valuable as the lives of Members of that House, or of any other persons who remained at home; and when he read these statements he could not help asking what this war was all about, and what we, or the Burmese, or any one else, had to gain from it? He thought the House had a right to complain of the manner in which information on this subject had been laid before them. The despatches were so mutilated that, generally, they were without the head and the tail, and in some cases they did not contain the middle completely. It seemed to him evident that a deception had been intended to be practised on the House; and that, whoever might be responsible for it, the course which had been taken with respect to these despatches was such as, if it had been practised in common life, or with respect to commercial transactions, would have excluded those who had been guilty of it from respectable life ever afterwards. He hoped that if the right hon. Gentleman the President of the Board of Control had to prepare any papers he would do so on a better plan than that which had been pursued by his predecessors. If a person were to judge from these papers, he would certainly believe the Marquess of Dalhousie to be a much less able man than he was generally supposed to be; and if he (Mr. Bright) were a personal friend of that nobleman, he should demand that the papers should be given *in extenso*, for the vindication of his reputation. He could not express his opinion too strongly with respect to a practice which approached the secrecy and irresponsibility of despotic Governments, and could have no relation whatever to the constitutional principles under which the Government of this country was said to be carried on. He would beg to ask the right hon. Gentleman if the statement to which he had referred, with reference to the health of the troops engaged in the Burmese war, was correct?

Sir CHARLES WOOD said, that he could not answer the particular question which had been put to him by the hon. Gentleman; but he was sorry to say that it was certainly true that there had been considerable mortality amongst the troops in Burmah; those stationed at Rangoon had continued in good health, but amongst those at Prome there had been very great mortality.

THE LEGISLATIVE COUNCIL OF INDIA.

Mr. EWART put the question of which he had given notice, to inquire of the President of the Board of Control whether the Legislative Council which it is intended to appoint in India will be a council open to the public, or having its proceedings made known by being reported to the public?

Sir CHARLES WOOD was understood to reply that it was not his intention to provide for that point by legislation in this country.

THE SOAP DUTIES.

Mr. APSLEY PELLATT said, he begged to ask the hon. Gentleman the Secretary to the Treasury whether, on any future occasion, side by side with the foreigners, who could under the new duties introduce soap at the rate of 8*d.* per cwt., British manufacturers, who exported soap and received the present drawback of 14 guineas a ton, would be allowed to bring it back to this market on the same scale of duties as foreigners paid?

Mr. J. WILSON said, that inasmuch as if this point were not clearly understood it might lead to extensive losses, the House would, perhaps, excuse him if he gave a detailed answer to the question of the hon. Member for Southwark. The hon. Gentleman would be aware that, according to the Resolution of this House, the Excise duty upon soap would expire on the 5th of July next. He would be also aware that, according to the Resolution of this House, the import duty upon soap had been reduced from a corresponding rate to that of the Excise duty—namely, to 8*d.* per cwt.; but that reduction had not yet passed into a law. However, a Treasury order had been issued with regard to the other duties and that also; and that order would be suspended, so that at present no import of soap would take place at the low duty—at least until after the Excise duty should have been abolished. With regard to the preparations which many persons were making to export soap under the heavy drawback, with the expectation that they would be able to reimport it from the Continent at the low duty of 8*d.* per cwt., or from Ireland and the Channel Islands free from duty altogether, he must inform his hon. Friend that although it appeared that under existing circumstances such an operation was possible, yet upon communications with the authorities of the Excise and Customs, he must give his hon. Friend and the public at large warning that every means would be taken to prevent such an operation from being successful. He had made this statement thus particularly in order that those who were making preparations to obtain indirectly a drawback on their present stock should not have any right to complain if they found that the authorities of the Excise and Customs should prevent any such operation from being successful.

OATHS AND AFFIRMATIONS.

Mr. STUART WORTLEY said, he had a question to ask the noble Lord the Member for the City of London with regard to the administration of justice in this country. The House would remember that at an early part of the Session a witness was committed to the custody of the Sergeant at Arms for refusing to take an oath before one of the Committees of that House; and upon that occasion he took the opportunity of calling attention to the anomalous state of the law upon the subject, reminding the House that by the present state of the law Quakers, Moravians, Separatists, or persons who had been members of those creeds, were exempted from taking the oaths, and allowed to give evidence upon affirmation; but that other persons, although they might entertain conscientious objections on the subject, were not allowed to substitute an affirmation for an oath. He had then suggested that power should be given to the tribunals of this country to allow an affirmation to be substituted for an oath where it appeared to them that the refusal to take the oath proceeded from conscientious motives. Since that time the Common Law Commissioners had in their second Report recommended that very measure, together with several other important changes in procedure. There had been also last night, as he saw by the public papers, an interesting conversation upon the subject in another place, when two of the highest legal authorities in the country gave their sanction to this proceeding, and he feared that this would give rise to more frequent refusals to take the oath than had been hitherto met with. He understood it was the intention of the Government to bring in a Bill to carry out all the propositions of the Common Law Commissioners; but among those propositions were some which would doubtless lead to considerable discussion, whereas this simple change of the law with regard to oaths would not, he believed, meet with opposition from any quarter. He begged, therefore, to ask whether the Government would take into consideration the propriety of introducing a Bill immediately for the purpose of making this change separately, without waiting for the adoption of the other recommendations of the Common Law Commissioners?

Lord JOHN RUSSELL said, that he could not, on the instant, state what course the Government would pursue on this question; but the suggestion of the right hon. and learned Gentleman (Mr. S. Wortley) should receive their consideration.

Motion *agreed to.*

House at its rising to adjourn till *Monday* next.

METROPOLITAN BURIAL GROUNDS.

Mr. GRENVILLE BERKELEY said, that on the 16th June orders were given by the Home Secretary to close 106 graveyards in the metropolis. He wished to know how many new burial grounds or cemeteries were being provided under the Act of last year to replace those ordered to be closed?

Viscount PALMERSTON said, that his hon. Friend was quite correct in stating the number of graveyards which had been closed by Order in Council. Other graveyards in the metropolis were under examination, and the rest would probably be closed at no distant period. The Act of last year gave the Home Secretary power to close graveyards, the continuance of which was injurious to the public health, but it did not vest in him any power to provide new graveyards. That arrangement was left to the parishes concerned, and he was not therefore able to state to his hon. Friend exactly what arrangement had been made by the parishes to provide new means of interment. He did, however, happen to know that several parishes were engaged in providing new places of interment, and he also knew that, besides the great cemetery at Woking, established by Act of Parliament two or three years ago, there was a Bill which had passed through that House, and was now under discussion in the House of Lords, for providing another cemetery at a certain distance from the metropolis. It was within the circumference of what was called the metropolitan district, and could not have been undertaken without the sanction of the Secretary of State. He had, however, felt it his duty to give that sanction from a desire to afford every facility for supplying the place of those graveyards which he had felt it his duty to close.

SUCCESSION DUTY BILL.

Order for Committee read.

House in Committee.

Clause 7 (Dispositions to take effect at periods depending on death, or made for evading duty, to confer successions).

SIR FITZROY KELLY said, he wished to know whether it was intended by this clause to impose a tax where there was a present gift of the property, but accompanied by a secret trust or reservation. He would suppose that a father, with the purpose of evading the legacy duty, made a present of a certain amount of property to his son in his lifetime, or when he believed himself to be near his death. The money or the estate was received and became the property of the son, with a secret understanding and reservation that the son should for the rest of the lifetime of the father give him the interest of that property. On the death of the father the money or the estate became absolutely the property of the son; and he wished to know whether it was the intention of the Government that a Court of Law should decide in these cases, when it was admitted that the intention of both father and son was to evade the legacy duty? If this clause passed in its present shape, it would be years and years before the Courts of Law or the court of last resort would finally put a judicial construction upon the exact meaning of this clause. One Judge would say that there had been no fraud, and another would decide the reverse.

The CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Gentleman had put to him two questions which he had illustrated with cases, and he must say that he thought that the questions of the hon. and learned Gentleman would be much clearer without the illustrations. The second illustration he put was placed on a foundation that made it quite distinct from his first illustration, and then a gloss was put upon it which brought it back exactly into the same category as the first. As to the first illustration, he understood it to be this: suppose a father confers upon a son a gift of 100,000*l.*, with a secret reservation or engagement—a secret trust or arrangement—under which there is to be paid to the father during his life an annuity of 3,000*l.* a year, that secret trust or arrangement not being capable of being enforced in a Court of law, would it, according to the intentions of the Government, come within the purview of the Bill? The answer as to the intentions of the Government was this: So far as they could clothe their intentions in words, they did not suppose that the words they used in the former part of the clause would bring such a case as that within its operations. But with respect to the second part of the clause, he was not prepared to give the same answer. The object of that second part was to cover, as far as they could, cases where parties meant to evade the Act. They were not, *primâ facie*, exempt by the operation of the second portion of the clause; but it must depend, he apprehended, on the specialties of each case. The intention to evade might exist, and yet not be such as would satisfy a Court of competent jurisdiction. If there were circumstances to satisfy a Court of competent jurisdiction that the arrangement had been made for the purpose of evading the operation of the Act, then, whatever the nature of the arrangement was, it would, according to the intentions of the Government, come within the meaning of the clause. If the evidence fell short of that, he need not tell the hon. and learned Gentleman that it could not come within its operation.

SIR FITZROY KELLY said, he would suggest the introduction of words to give full effect to the intentions of the Government, thus at once putting an end to all doubt as to the meaning of the clause, but leaving, of course, the question open as to the policy of the enactment. Was it really the intention of the Government to enact a law that no parent should give to his children any amount of property when he knew his death was approaching, without such act being considered as an intention to commit a fraud? If such were the meaning of the Government, they should state it.

The CHANCELLOR OF THE EXCHEQUER: No; that is not our meaning.

SIR FITZROY KELLY said, that was the case that was put; and he wanted to know, before the clause was agreed to, what was the description of case which the Government meant and intended should amount to a fraud under this Bill, if it were passed into a law?

The SOLICITOR GENERAL said, he thought the words of the clause were sufficiently explicit, and, except from the desire of multiplying words, there could be no objection to the adoption of the clause as it stood. If his hon. and learned Friend had observed the words of the clause, he thought he could not entertain any difficulty about the matter. Wherever property was given absolutely, though given with an honourable and moral engagement, as distinct from a legal and equitable contract, that honourable and moral engagement would not come within the meaning of this Bill. When his hon. and learned Friend had accomplished the task of defining every variety and mode that were used to accomplish frauds, then he might hope to express in a definite enactment the means of preventing them; but at present legislators were obliged to have recourse to general provisions to meet such cases. If the father should give his son a property out-and-out, and therefore became *bonâ fide* dependent upon the bounty of his child, that in itself would not be an infraction of the law; but if the father gave the estate out-and-out, and by another and independent instrument the son gave, out of the property, or out of some other means, some corresponding advantage, then the union of the two things would manifestly show a purpose of accomplishing by the two acts a fraudulent evasion of the statute. However, if his hon. and learned Friend thought it absolutely necessary, he would not object to the introduction of additional words hereafter.

MR. VANSITTART said, he would now move the omission of the words of which he had given notice.

Amendment proposed, in page 4, line 11, to leave out from "predecessor" to the end of the clause.

The ATTORNEY GENERAL said, it was a general enactment in general terms, not meant or calculated to give any court a right to make the law, but a right of saying whether the facts of a case came within the law already made.

MR. WALPOLE said, he was of opinion the words were much too general, especially the term "other" annexed to "disposition of property," as distinguishing it from the express mode of disposition previously noticed. That was far too wide.

MR. MONCKTON MILNES said, he was of opinion that it was very essential to define what was or was not a fraudulent evasion. As far as he understood, if a man gave his son an estate, and the son by any instrument settled that estate upon his father, it was a fraudulent evasion.

SIR JOHN TROLLOPE said, he considered that the clause as it stood would give rise to a great deal of difficulty, and would be very liable to misconstruction. The latter part of the clause appeared to him not to convey the same meaning as the former part, and he was of opinion that the omission of the words proposed to be omitted would be desirable.

The CHANCELLOR OF THE EXCHEQUER said, he considered that it would not be advisable to omit the words. It seemed to him very necessary to make provision that a court of competent jurisdiction should have power to decide whether any disposition had been fraudulently made to evade the duty. It might be necessary to have to encounter fraud of the most ingenious character, and it was, therefore, their duty to adopt every possible precaution against it; but if the latter part of the clause were struck out, there would be no security against anything but an engagement, secret trust, or arrangement capable of being proved in a court of law. If they wished to stultify their own proceedings by passing an Act that every man would be able to drive a coach and four through, they would adopt the Amendment.

MR. HENLEY said, he considered that various meanings might be attached to this clause; but, without expressing his opinion as to whether the words ought to be expunged, he would wish to ask, what was meant by the words "court of competent jurisdiction?"

MR. MALINS said, he thought it would be found that the words which the hon. Member for Berkshire (Mr. Vansittart) proposed to omit, were altogether unnecessary. He thought they were called upon to pass a penal enactment, when human ingenuity could not state a case to which it would apply.

MR. DRUMMOND said, he would suggest that an answer should be given to the question of the right hon. Member for Oxfordshire (Mr. Henley), with respect to what was to be considered a court of competent jurisdiction. They would find by the 38th and 39th clauses that the Commissioners themselves were to form the court in many important cases, and that the public were left solely to their *ipse dixit.*

The SOLICITOR GENERAL said, it would be observed that the portion of the clause contemplated an instrument that was to be set aside, and for that purpose an appeal must of necessity be made to a court of equity. That court of equity might be the Court of Exchequer, which in matters of this kind still exercised an equitable jurisdiction, or the Court of Chancery. If any person was alarmed at the words "court of competent jurisdiction," there could be no difficulty in altering the words into "court of law or equity." An infinite variety of cases might be pointed out in which attempts would be made to evade this duty. This provision, however, was one which had existed for years in connexion with the legacy duty—it would only be administered in the Superior Courts at Westminster Hall, by the Judges of the land—it was a branch of jurisprudence already well known to our laws; and, therefore, he thought it ought not to excite alarm among hon. Members.

MR. MULLINGS said, he differed most entirely from the hon. and learned Solicitor General in regard to the application of the law. He would challenge the hon. and learned Gentleman to point out to him a single case in which a life interest having been given, with a power of revocation, the legacy duty could be made to apply.

MR. BAILLIE said, he did not know what power the Law Courts might have in this country, but it would be found very difficult to carry the law into effect in the Courts of Scotland. The writers to the signet of Edinburgh had sent to London a case in which they stated that it was impossible to understand the Bill, and that the law terms were to them quite unintelligible.

The LORD ADVOCATE said, that in consequence of having seen the statement of the writers to the signet, he had gone carefully through the Bill, and he certainly could not understand why the Bill should be considered so unintelligible, because he found that the addition of a dozen words would make the law perfectly applicable to Scotland. The right hon. and learned Member for Leeds (Mr. Baines) was of the same opinion as himself; and he (the Lord Advocate) could not but think that those who had issued the statement had not given sufficient attention to the subject.

SIR JOHN PAKINGTON said, the present was a most important point, not only for the House but for the public to consider. The essential point raised by the hon. and learned Member for East Suffolk (Sir F. Kelly) remained unexplained—namely, why, and with what meaning, was the word "fraudulently" used in the latter part of this clause. The meaning of the right hon. Chancellor of the Exchequer no one could misunderstand. The more odious a tax was likely to be, the more necessary it became to fence and guard the collection of that tax by the most stringent powers. But no feeling of that kind could justify the Government in calling that fraudulent which the law of England had not declared to be fraudulent; and this was the point he wished to have explained. Was the clause intended to be declaratory of the existing law, or was it intended to be the creation of a new offence? If it were intended to be declaratory, then he would ask whether the Government was justified in saying that it was now fraudulent to make an arrangement by which to seek to evade the tax. No doubt every species of ingenuity would be resorted to to protect the public from the imposition of this most grievous burden; but he disputed the right of the Government to interpose words in this Bill which declared that to be fraudulent which the law had not declared to be so; still more did he dispute their right to declare that, hereafter, that should be considered fraudulent which the law had hitherto not deemed so. He would warn the Committee whether it was wise, for the sake of the convenience of the Government, to run counter to the moral feelings of the country, by attempting to declare that to be an offence at law which was not an offence.

The CHANCELLOR OF THE EXCHEQUER said, the moral feelings of the country were not in the smallest danger of being shocked or annoyed at all by this clause. In fact, the question had nothing to do with moral feelings—considered on either side of the alternative he had put. The right hon. Gentleman said, either this was a declaratory enactment, or it was the creation of a new offence. Now, he (the Chancellor of the Exchequer) begged to answer that it was neither one nor the other. It was no declaratory enactment, and it was no creation of a new offence. The clause said nothing about fraud, nor what constituted fraud. It used language which was perfectly well known to the law. If three Judges out of four in Westminster Hall had the power to declare that such and such a disposition of property was not fraudulently made for the purpose of evading the duty, then those same three Judges were just as free to declare that a certain act was a fraudulent disposition to evade the succession duty. What the Bill was intended to say was this, that where a competent jurisdiction should declare that a disposition of property had been fraudulently made for evading the duty, then, acting upon the principle of the law and the reasons given by the Court for its judgment, it should be lawful for them to declare a succession to have been conferred.

Mr. TATTON EGERTON said, the Committee had been told what the law on legacies was as established by the decisions of the courts for a long series of years; but it should be remembered that they were now dealing with the whole property of the country at the present moment, and, although he voted for the principle of the Bill, yet he held himself bound to see that that principle was fairly and justly carried out. He very much feared that the right hon. Gentleman (the Chancellor of the Exchequer) was about to introduce a fresh principle and a fresh law, not only as regarded real property, but as affected personal property also. It might take a long series of years to establish the law by a course of uniform judgments on the subjects; and during the interval every person disposing of property would be subject to have his family arrangements disputed and disturbed. In many instances the successor would be liable to be brought before a Court of Law to determine whether disposition was fraudulent or not. In all these cases heavy costs would be incurred, because in no case where the Crown prosecuted were costs allowed. They all knew that the officers of the Crown who would have to carry out this measure would not be affected by any decision that might be come to. They saw what had been done in the recent cases of custom-house prosecutions; and he feared the same consequences would follow from these succession-duty prosecutions. Under these circumstances he hoped his right hon. Friend would consider the proposition which had been made to him, and that he would, at all events, strike out the word "fraudulently" from the clause.

The CHANCELLOR of the EXCHEQUER said, that if he struck out the word "fraudulently" it would be a most fatal gain to his hon. Friend. The fear of his hon. Friend was this, that an honourable arrangement made for family purposes might come within the operation of this portion of the clause. He did not think there was much foundation for that fear as the clause now stood; for he did not believe that any court of competent jurisdiction would declare any arrangement for purposes of an honourable character was fraudulently intended to evade the duty. He thought the word "fraudulently" would operate as a protection to such transactions. Certainly, if the word "fraudulently" were left out, it would subject family arrangements to be questioned, especially whenever mixed motives might be reasonably assigned. It would, therefore, be dangerous to omit the word "fraudulently," as it had a definite meaning in law, and which, if retained, would confine the court strictly to the question of intention to evade the duty.

Mr. MALINS said, that no case had been suggested to which these words would apply; and the Committee had a right to assume that there was no such case, and that the words were unnecessary. The only case which could occur was the same as had arisen under the legacy duty, that of a man making himself merely tenant for life of his own property, in order to evade the duty payable on his death; and this was sufficiently provided for.

The SOLICITOR GENERAL said, the hon. and learned Gentleman must be aware that many trusts were created for the purpose of avoiding the legacy duty. As to omitting the word "fraudulently" from the clause, if that were done the power conferred would be most fearful. It was not intended to render the word "fraudulently" more elastic or comprehensive than it was at present understood by the law.

Sir JOHN TYRELL said, he had often been asked what the law was upon a given subject, and he had answered that he did not pretend to understand the law, but he hoped he was able to understand what the intention of the Legislature was, and he hoped the right hon. Gentleman the Chancellor of the Exchequer would not so stultify this matter as that the country should not be able to understand it.

Sir CHARLES WOOD said, the object of the clause was clear enough. The principle was that the revenue should be fairly collected. It was admitted that there might be *boná fide* arrangements made by which the tax might be evaded. The Government had not the slightest wish to impose a duty on *boná fide* transactions, but, as great ingenuity would be fairly set to work to evade the duty, the object of this clause was to meet those cases.

MR. WALTER said, he would not preface the question he was about to ask with any observations, but he begged to ask the hon. and learned Solicitor General whether or not a family arrangement which should have the effect of evading the legacy duty, though not designedly made for that purpose, would, under this Act, be considered as fraudulent; and, if not, under what circumstances it would be held to bear a fraudulent character?

The SOLICITOR GENERAL said, according to his view of the Bill the intention of its framers was, that although a disposition of property should *de facto* evade the duty, yet it would not thereby become fraudulent; and that even a disposition made with the express intent of evading the duty would not by the mere intention alone become fraudulent. But a disposition made to evade the duty must be attended by some other circumstances by virtue of which it might be said to be made fraudulent; and accordingly, the words of the clause were not that the Court should set aside such disposition, but that the Court should declare a succession to have been conferred on such person, at such time, and to such extent as the Court should think just.

SIR WILLIAM JOLLIFFE said, if the Committee consented to pass the latter part of the clause, they opened the door to oppression and tyranny such as never had been sanctioned by Parliament for a hundred years back. It evidently aimed at this—that oral evidence should be considered sufficient proof of fraud. Let the Committee just look at the inducement to heirs-at-law to get up evidence of this kind in cases where those to whom they were heirs had made gifts shortly before their decease—to illegitimate children, for example—and to prove fraud.

MR. SPOONER said, he must confess that from what had just fallen from the hon. and learned Solicitor General, he thought that great doubt would be thrown upon the subject by the adoption of this clause. He understood the hon. and learned Gentleman to say that a person *in articulo mortis* might dispose of property for the purpose of evading the duty, and yet that such a dispposition would not be considered a fraud. He would therefore ask the hon. and learned Gentleman to state what those circumstances to which he referred were, which, in the eye of the law, would be considered a fraud?

The SOLICITOR GENERAL said, he should be exceedingly happy to give an answer if his mind was sufficiently comprehensive to have every variety of circumstance that could occur before it. How could he determine what these circumstances might be? Wherever doubt was introduced into the disposition of property, wherever a *malus animus* was apparent, wherever one thing was done and another thing was intended to be done, wherever there was a secret understanding to evade the Act—that was fraud; but where there was a *boná fide* transaction, though in contravention of the Act, it would not be a violation of it so as to be regarded as fraudulent.

MR. WALPOLE said, he felt alarmed at the explanation of the hon. and learned Solicitor General. It was not, it appeared, a fraud to part with property, in evasion of the Act, when *in articulo mortis*. What, then, constituted fraud under the Act? As the law stood, the Attorney General could file an information, or bring an action for the amount of legacy duty whenever it was due, and the only question of law was, whether the duty was payable by him or not; and the only question of fact to be determined was, whether it had been paid or not; but, if this Bill passed, the Attorney General could file his information, or bring his action for the amount of duty on the ground of fraud, which he never could certainly ascertain till he had elicited a discovery from the person who was alleged to be liable to pay that duty by means of a suit in the Court of Chancery; and the consequence of that suit, let the Committee be well aware, was this—that whether the party against whom the suit was brought was adjudged liable or not, he must pay his own costs, because the Crown paid no costs. He was sure the Chancellor of the Exchequer was not aware of that fact, which was not a technical but was an invariable rule.

The ATTORNEY GENERAL said, he was glad of this opportunity of being enabled to state that he had received the authority of Her Majesty's Government for the purpose of rectifying the very serious evil to which the right hon. Gentleman had alluded, and that he hoped soon to bring in a Bill to relieve parties from costs where defendants against the Crown gained their cause.

Question put, "That the words 'and where any Court of competent jurisdiction' stand part of the Clause."

The Committee *divided*:—Ayes 103; Noes 63: Majority 40.

Clause *agreed to;* as was also Clause 8.

Clause 9 (Where the successor shall be a brother or sister, or a descendant of a brother or sister of the predecessor, the duty upon succession shall be at the rate of 3*l.* per centum upon such value).

MR. PHILIPPS said, he begged to move as an Amendment that the duty should be at the rate of 2*l.*, instead of 3*l.* per centum. In doing so, he founded his reasons for urging this proposal upon the justice and policy of the case. He did not believe the right hon. Chancellor of the Exchequer was one of those persons who would impose taxation without having good grounds for it; but, according to the varying rates of the duty contained in this clause, the right hon. Gentleman would seem to have regarded the tax in the light of a tax upon good fortune—a tax upon good luck—measured by the amount of expectancy on the part of the successor. The number of times the duty would be inflicted in the case of brothers and sisters must be much greater than in the case of any other relatives. In the largest families the number of years that must elapse between the death of the eldest and the youngest could not be very great; and the recollection of hon. Members would no doubt present them with many instances of the sort. He himself was at that moment in the possession of property which passed through the hands of four sisters before it reched him, and that in no longer a period than five years. And he thought that for property to come under the constant inspection and control of the fiscal authorities so often as that, and which it would do under this Bill, would be decidedly inconsistent with justice. As to the policy of the tax, he would take the liberty of suggesting to the right hon. Gentleman whether the measure as it stood would not hold out a great temptation to a father so to entail his property that his chsidren should take it as from him, and not in succession one to another, and thus pay the duty of 1 instead of 3 per cent. If the right hon. Gentleman adopted the proposal he (Mr. Philipps) now made, he did not believe the symmetry of his plan would be in the least degree marred. Death was "the king of terrors" to most men, but the cause of joy and rejoicing to a Chancellor of the Exchequer. And whenever he read the obituary of a person who was described as being universally lamented, he would add, "except by the Chancellor of the Exchequer." He should regret, however, to see the revenue of the country maintained from such a source as that. And he trusted the right hon. Gentleman would remember that the cup he was administering to them was not a very palatable one, and allow the infusion of the small drop of sweetness which he (Mr. Philipps) now proposed to add to the dose.

The CHANCELLOR OF THE EXCHEQUER said, he must admit the fairness with which this question had been raised—a question which, though as it stood upon the paper appeared unimportant, was in reality of extreme importance. As regarded what the hon. Gentleman said about the symmetry of the measure, he would be willing to make a concession to him on that score. The hon. Gentleman spoke of a succession of four sisters or brothers in four or five years—

MR. PHILIPPS: I said four sisters in five years.

The CHANCELLOR OF the EXCHEQUER: Is it real or personal property the hon. Member speaks of?

MR. PHILIPPS: Both.

The CHANCELLOR OF THE EXCHEQUER: What we are here dealing with is real property. The Committee should recollect, however, that by this Bill they were dealing with real property and settled personalty, upon which, so far from its operation being severe, in all probability it would not be felt at all. There must be an interval in life interests before the duty would accrue; and if the party succeeding died before twelve months had elapsed, the claim for duty would fall to the ground. The extreme rapidity of succession, therefore, qualified itself in a great degree. Every time a new succession accrued to a life interest or realty, in five years the unpaid portion of the duty dropped altogether. But in his opinion the Committee could not consent to lighten the percentage of duty on the succession of brothers and sisters under this Bill, and leave the legacy duties unmitigated. Would the hon.

Gentleman effect his proposed alterations in the succession duty, and confine them to real property, whilst the legacy duty would remain as it stood?

Mr. PHILIPPS: I have no objection whatever to extend it to personalty.

The CHANCELLOR of the EXCHEQUER: This opens a very wide question indeed. They must now confine themselves entirely to the question before the Committee, which regarded the duty upon successions. The scale of duties upon successions was the vital part of the measure. The 3 per cent rate legacy duty had been a most productive one. In 1852, whilst the duty upon direct successions paid in legacy duty, at 1 per cent 238,000*l.*, that upon indirect successions of brother and sister produced 471,000*l.* He was not indisposed to hearken to any reasonable suggestion, but what he felt bound to maintain was the policy of the Bill. Upon the whole, and after the most careful consideration, the scale seemed to him to be not unjust. If an alteration were to be made at all in the scale, they must not stop where the hon. Gentleman would stop. Undoubtedly, the duty of 10 per cent was a heavy one, but then it was to be paid by those who, for the most part, had not had expectancy. The general principle of the Bill was expectancy. The Committee would bear in mind that this was a tax in the nature of a property tax, and was not altogether free from danger—the danger was, the arbitrary multiplication of the rates. He had heard a great deal in that House, recently, of the policy of extending direct taxation. [Mr. Philipps: Not from me.] No, not from the hon. Gentleman, nor from me either. The difficulties in the way of direct taxation were immense, and they must have a very stringent machinery in order to carry it out; and the only reason which could induce that House to grant such powers, would be, first, the necessity for direct taxation; and, secondly, that those stringent enactments would be tempered by the spirit of society, by the freedom of our institutions, and by the responsibility of public officers to that House. But he saw great danger in the doubling and trebling which it was perfectly conceivable must arise upon this tax; and the existence of these high rates in the scale was a very effective barrier and obstacle to that doubling and trebling of the low rates in the scale which otherwise, in any temporary financial difficulties, must be proposed. He opposed, then, the proposition of the hon. Gentleman, because the maintenance of the present consanguinity scale was necessary to the efficiency of this tax, because, under any system of wise and humane legislation, direct successions ought to be treated tenderly and gently in an Act of this kind, and because he thought the preservation of the present high rate as to indirect successions was the greatest security against any future tampering with this tax.

Mr. BARROW said, he considered the proposition of his hon. Friend near him (Mr. Philipps) was a most reasonable one. He thought the succession of brother and sister had not much to do with the 10 per cent succession of perfect strangers, seeing that the children of the same parent were almost as nearly connected as parent and child. He was anxious to correct the impression that the succession duties would be levied so rarely as the right hon. Gentleman supposed. In the instance mentioned by the hon. Member (Mr. Philipps) the duty would have been paid four times over within a very short period indeed, for the subsequent clause in the Bill only limited the case to life interests, and left the duty payable on successions in absolute right repayable, whether the party lived two years or seven. He (Mr. Barrow) believed this measure would materially affect the interests of the middle classes of society to which he belonged, and which he represented in that House. It was not a question whether the eldest son should be taxed or not, but whether the tax would not fall with extreme hardship upon the middle class of society, amongst whom direct successions were not perpetuated. Numerous families eked out a moderate income by three or four sisters living together, and upon the death of each of these this tax would come into operation with very great severity. If he wished to see this Bill hereafter repealed, he should not urge upon the right hon. Gentleman the alteration of the percentage, because he was certain it would help materially to create a feeling out of doors which, sooner or later, would produce a repeal of this and of all other succession taxes.

Amendment *withdrawn;* Clause *agreed to.*

Clause 10.

Mr. COBBETT said, he wished to draw the attention of the Chancellor of the Exchequer to the case of step-children, who were to be taxed, according to this Bill, in the same way as strangers, though he thought they stood in the same relation as sons-in-law; and he put it to the Committee whether they ought not to be taxed in the same lenient manner?

The CHANCELLOR OF THE EXCHEQUER said, it was impossible to accede to the suggestion. No doubt particular cases would arise where the application of the scale laid down might seem to involve hardship, and he did not think that the hon. and learned Gentleman had taken the strongest of these cases. There was no reason which would admit step-children, and exclude adopted children. But there was a case which was stronger than either—that of natural children, and there was the case of a sister or brother-in-law, who were treated by this Bill as strangers. He would recommend the Committee not to take up isolated cases which might come under the notice of an individual Member, and strike him with a force disproportioned to its importance; but if they proposed to alter the scale at all, then to consider and revise it in all its bearings.

MR. HADFIELD said, he thought there was one case of peculiar hardship—that of natural children whose parents had subsequently married. He thought their case deserved the serious attention of the Committee, for they were often brought up along with the legitimate children, and treated as members of the same family, and he saw no reason why they should be punished for the faults of others. In Scotland, as they were aware, such children were legitimised, and they would be treated by this Bill as relations by blood; he could not see why they should be treated differently in England.

MR. R. PHILLIMORE said, he thought that a very strong case existed for an alteration in the duty to be paid by natural children. The law relative to natural children was peculiar to England, the law of other countries recognising adopted children as well as natural children.

MR. HADFIELD said, he should move as an Amendment that children born without marriage, whose parents married subsequently, should pay a duty of only one per cent.

The CHANCELLOR OF THE EXCHEQUER said, he hoped the hon. Gentleman would not persevere with his suggestion, which opened a large question. He was well aware that it was hard to punish innocent parties; but if privation of benefit was punishment, he feared that society teemed with such instances. If the hon. Gentleman wished to, legitimise such children as he had referred to, and place them in the same position as they were placed in Scotland, it was a fair question for him to introduce, though he did not say he (the Chancellor of the Exchequer) could agree to it; but it was surely beginning at the wrong end to raise such a question as that on a Bill for levying duties on successions.

Clause *agreed to.*

Clause 11.

MR. HENLEY said, he wished to understand what the operation of this clause would be in the following case. Suppose a father and son were to grant a joint lease of a farm to a tenant for a period of that tenant's life. In course of time the father died, and the son would, of course, pay the duty on succeeding to this farm as well as on the other portions of the estate. But the tenant died a few years afterwards, and the farm reverted into the hands of the son: would the son then have to pay upon any increased value which the farm might have derived during the occupancy of the tenant? He believed that was not the intention of the Government; but he feared that as the clause now stood that would be its effect. He was afraid the terms of the clause would inflict the hardship of the tax upon those who let their land for lives; whereas those who let it for a term of years would be exempt. He hoped the case would be provided for by the Government.

The SOLICITOR GENERAL said, the subject was under consideration on the part of the Government, including the whole question of leases.

MR. WALPOLE said, he wished to know how the clause would operate in another case. Suppose a man left 2,500*l.* to each of four children; one of them married and settled his fortune upon his wife and children; he wished to know whether that person would not have to pay the succession duty twice over—once when he succeeded his father, and again, in the case of his wife dying without children, when the disposition of his property would revert to him?

The SOLICITOR GENERAL said, that that was not the intention and would not be the effect of the clause.

MR. WALPOLE said, he thought, as this was a Bill which could not be altered by the House of Lords, it was of paramount importance that its provisions should be clearly settled in that House. Besides the affirmative and negative provisions embodied in the clause, there was another point which he wished explained. There might be property which in fact was the owner's in expectancy, which he would have to pay a duty for, deriving it from some disposition or settlement, other than that made by him. The clause imperatively required the parties enforcing it to demand the duty from the person who might have made the disposition of the property within the terms and purview of this particular clause.

MR. MULLINGS said, he had also looked at this clause, and felt considerable hesitation as to what would be its probable effect. He thought some alteration ought to be made so as to do away with all obscurity and ambiguity.

MR. MICHELL said, he should not propose the verbal Amendment of which he had given notice, relative to leases determinable on lives or ninety-nine years; but if an alteration were not made, he should, at another stage of the Bill, bring up a clause to meet the unfairness of which he complained. It was unfair to put the tax on one class of men, and take it off others. He could only regard such a proceeding as another sop to county Members who gave their support to the Government.

The SOLICITOR GENERAL agreed to insert such words as would clear up the difficulty.

Clause *agreed to;* as were also Clauses 12 to 15 inclusive.

Clause 16 (Enacts that a policy on the assured's own life shall not be a succession from the insurers).

The SOLICITOR GENERAL said, that as this clause originally stood, the only policies of assurance exempted from the operation of the tax were those effected by persons on their own lives. In consequence, however, of the arguments which had been urged by various hon. and learned Gentlemen in that House, the Government had determined to amend the clause so as to extend the exemption to all policies of assurance, whether for the lives of the assurers or not. Policies of assurance effected by purchasers in reversion would be exempt; but of course any policy that was treated as property would, like any other property, be charged with this tax.

The CHANCELLOR OF THE EXCHEQUER said, that as although there was no doubt as to the object proposed, there might be some as to the precise words by which it was to be effected, he would suggest that the consideration of this Clause should be postponed.

Clause *postponed.*

Clause 17 *agreed to.*

Clause 18 (Provides that leasehold estates shall not be charged with legacy duty as personal estate).

MR. MICHELL said, he must complain that small leasehold estates were taxed double what large landed estates had to pay, because they were subjected to probate and succession duty, and to stamp duty as well. This was an injustice from which leasehold property ought to be relieved.

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman complained that they were doing a great injustice by making leasehold property pay probate as well as succession duty by this Bill. Why, he might as well object that it did leasehold property an injustice, by making it pay income tax. The Bill did not touch the probate duty, and they were not able to reform everything at once. He hoped the hon. Gentleman would not oppose this clause, which was a clause entirely of relief to the class of property which he befriended.

Clause *agreed to.*

Clause 19 (Provides that the duties shall be paid nn the successor becoming entitled in possession, but on the case of outstanding interests, on the determination thereof).

MR. WALPOLE said, he wished to call attention to what he conceived to be one of the points in the Bill which would operate so oppressively that, when it came to be practically worked, it would be found that such a tax could not be and ought not to be permanent. He was not now going to raise the question of the whole principle of the Bill. He agreed to a tax on legacies of personal estate, and thought there was nothing unreasonable in the taxation of successions to landed estate. He agreed also that if they wished to extend the tax to settled realty and to settled personalty, in principle he could see no absolute objection to it. But what he wished to impress upon the Chancellor of the Exchequer was a point which he (Mr. Walpole) felt most strongly. He believed that in the end they would destroy to a great extent that system of trusts in this country which to his mind was one of the most advantageous systems ever established in any country. The present clause provided that when a duty was payable upon a succession, such duty should be paid when the party became entitled in possession to his succession, but that where there was any other charge which prevented the successor from being entitled to the full enjoyment of the succession—

> "the duty in respect of the increased value accruing upon the determination of such charge, estate, or interest, should, if not previously paid, compounded for, or commuted, be paid at the time of such determination."

As he (Mr. Walpole) read this clause, he believed the result would be to create a mortgage to the Government of all the real and personal estates in the United Kingdom, perpetually to be paid off, and perpetually to be renewed. Let them see the effect that it would have on the system of trust. A person was trustee of a large landed property with estates for life to A, B, C, &c., and innumerable charges for younger children, besides charges for old servants; there might be at the same time a large amount of settled personal property in the funds with innumerable interests connected with it, which he had likewise got to dispose of to the persons that were beneficially entitled to it; if this Bill should pass he would be an accounting party to the Government from the time he accepted his trusteeship. Every time a charge fell in he must go to the Commissioners of Inland Revenue and pay the duty, or employ a solicitor to do it for him. When the property was small, it would be so galling to him that he would give up his trust, and if he employed a solicitor see what an expense they would be putting on that property. He (Mr. Walpole) believed that he was trustee for as many persons as most Gentlemen in that House; but if the Bill should pass into law, nothing would induce him to accept a trust again, except for the purpose of conferring upon those he regarded as much benefit as he could confer upon them even at some personal risk.

The CHANCELLOR OF THE EXCHEQUER: How is the trustee damnified any more than an executor under the present Legacy Duties Act?

MR. WALPOLE: Under the Legacy Duties Act there was always a person who on the death of another was known to be the representative of the whole of the personal estate, and he was the sole accounting party. He was known by the Government, and nothing more was required than for that person to give a full account of all the property he had. But how was it when they came to deal with a question of succession? When a person died, how was the Government to know the property chargeable with the duty? The person was tenant for life in one estate, and there was a succession duty payable upon the property; he was tenant in tail upon another, the same thing happened; he was tenant for years in a third, the same thing happened; he had a life interest in a settled estate, the same thing happened; the trustees of the property were bound to account, and the Government could only ascertain the person to pay the duty in one of two ways; they must either call upon every relation of the person who died to give an account of everything he knew respecting the person's property that was just deceased, or they must have such stringent penalties imposed upon the trustees as would compel them to come in, whether they were willing or not, to account for the property. They might be obliged to have recourse to the penalties. Parties would try to evade them; and suits would be instituted by the Attorney General to compel payment of the duty. The result would be that they would be forced to repeal the tax, or to make real property liable to a duty on succession in the same way that personal property was liable to it.

The CHANCELLOR OF THE EXCHEQUER said, though his right hon. Friend had spoken with great candour and plainness on this subject, he had really left him very much in the dark as to the course which he thought ought to be pursued. He was glad, however, to find that he was not prepared to state that the extension to real property of the duty now paid by unsettled personalty constituted an act of robbery, and in certain cases an act of plunder—a declaration which was made on the other side of the House, amidst vociferous cheering on the last night of the debate. He did not mean to say that the opinion was entertained by all those who sat on the opposite side, but it was entertained not by an inconsiderable section; it was energetically entertained by them, and boisterously supported. His right hon. Friend did not say he was prepared to abandon the 2,500,000*l.* of money derived from these successions—he did not glance at such a course—he admitted the principle of the extension was fair; and towards the close of his remarks, he alluded to a different form of proceeding, but he (the Chancellor of the Exchequer) could not see in what particular the exact difference existed. He had left him unable to devise in what essential respect the position of trustees and executors, under the Bill the House was now invited to pass, would be different from the position they now held under the present Legacy Duty Act. Were there no annuities charged upon personal estates; were there no liabilities when those annuities were paid up; were there not Crown debts to be incurred; and did a person, from the fact of his becoming a Crown debtor, refuse to undertake those charges? The trustee would be enabled to give an account with such particularity to the officers of Inland Revenue as would enable them to call at the proper time for the additional succession duty that might be charged on every man's succession. It would be possible to adopt another alternative—to take all the successions at once, and take the whole tax upon them, and be done with them; and so far as giving facilities to parties who desired to take that course, the subject was worth consideration; but it would be a great burden to make it compulsory on the trustees to have all the persons' estates valued at the time for the succession duty, and to charge him for the whole. The reason why that course was not pursued by the Government was through consideration for the taxpayer. It was better for him to pay the duty at the period when the charges or incumbrances fell in, than to have them all valued in the first instance. With regard to the mode of discovering them, he begged to point out to his right hon. Friend that the means of discovery would be placed in the hands of the Government at the period of the first succession.

SIR JOHN PAKINGTON said, that the right hon. Gentleman the Chancellor of the Exchequer had fallen into a great inaccuracy with regard to the language which had been used on that (the Opposition) side of the House, which he felt bound, as a matter of justice, to correct. The right hon. Gentleman had drawn a contrast between the language which had just been used by his right hon. Friend the Member for Midhurst (Mr. Walpole), and that which had previously been used by other Members on the same side of the House, who had described the extension of the legacy duty to real property as an act of robbery or plunder. Now, he (Sir J. Pakington) begged distinctly to state that the right hon. Gentleman was completely mistaken. Neither the word "robbery," nor the word "plunder," had been applied by any one to the extension of the legacy duty to real property. The word "plunder" was used by himself (Sir J. Pakington), and applied to that particular part of the Bill which referred to the manner in which the succession duty was taken from timber; and the word "robbery" was first used by the hon. Member for Bodmin (Mr. Michell), and repeated by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), and applied to that particular part of the Bill which took the succession tax from leases for lives, and not from leases for years. He (Sir J. Pakington) was sorry to add, that so far as he was concerned, he was not disposed to recede from the word he had used. There was another hard word which he had used, and that was the word "confiscation;" but the word was not his own; he had quoted it from one of the highest authorities in the kingdom on this subject, and applied it to that part of the Bill which taxed settled personalty by *ex post facto* legislation. He was at all times unwilling to use exaggerated language; but there were cases where only strong words would fitly and appropriately tell the truth; and he, for one, whether in that House or out of it, was determined to say distinctly what he thought; and when he believed that strong words would best suit the case, he should not be deterred by any lectures from the other side of the House from using them. He begged to add that he agreed with his right hon. Friend (Mr. Walpole). He thought that the same principle of taxation ought to be applied to personal and real property; and it was because he thought that they ought to be dealt with alike, and that there ought to be no invidious distinctions between different classes of property, that he objected to the extension of this tax to real property, until they had redressed its inequalities as regarded personal property.

The CHANCELLOR OF THE EXCHEQUER said, that the right hon. Gentleman had challenged the accuracy of his statement in a matter on which, if he had been inaccurate, he should have been highly culpable. The right hon. Gentleman had stated that he had used the word "plunder" himself, but only in a particular acceptation, and with reference to a particular clause. Now, he (the Chancellor of the Exchequer) never said that the right hon. Gentleman had used it with reference to the Bill at large. It was also true that the word "robbery" was used by the hon. Member for Bodmin (Mr. Michell) with reference to a particular provision of the Bill; but he did not refer to either the hon. Member for Bodmin or the right hon. Gentleman. He would read a few words to the House, and leave the right hon. Gentleman to judge where they came from:—"Lord Galway moved that the Chairman, unless some explanation were given of the meaning of the clause, report progress. He thought the whole scheme an iniquitous one. Indeed he considered it nothing better than a downright robbery." Now, he (the Chancellor of the Exchequer) had not been inaccurate. He had shown where the inaccuracy lay. The right hon. Gentleman could not have heard these words, or he was quite sure he would not have administered the rebuke which he had done.

Sir JOHN PAKINGTON said, it appeared from what the right hon. Gentleman had stated that hard words were used in three instances, and the right hon. Gentleman had acknowledged that he (Sir J. Pakington) was right in two of them. The third, he confessed, he had not recollected.

Mr. PIGOTT said, he was afraid the Committee would lose sight of the important clause then under discussion in their attempt to fix the precise meaning of words which had been used in a former debate. He was sorry to say that the reply of the Chancellor of the Exchequer had not succeeded in removing the impression which had been produced upon his mind by the objection of the right hon. Gentleman the Member for Midhurst (Mr. Walpole), and therefore he would suggest whether it would not be advisable to take more time for the consideration of the clause. He had been disappointed that the right hon. Gentleman the Member for Midhurst had concluded without moving an Amendment, or suggesting any alternative by which the difficulty might be got rid of.

The SOLICITOR GENERAL said, no obligation would be thrown on any trustee by virtue of this Bill, unless he happened to be the trustee actually in the possession of the property; and, therefore, in ninety-nine of the cases which his right hon. Friend (Mr. Walpole) seemed to apprehend, there would be no new duty, in point of effect, cast upon trustees. Where the trustee was actually the recipient of the rents and profits, he would, no doubt, be liable to pay the duty; but that was an obligation which was small indeed as compared with the onerous obligations which were now discharged by the trustees and executors of personal property, such as leasehold estates, which were now subject to legacy duty. The apprehension of his right hon. Friend (Mr. Walpole), he was certain, would be removed to a great degree before the Committee arrived at the end of the Bill.

Colonel SIBTHORP said, he must admit that he had, on the previous evening, attempted to stop the progress of this most iniquitous Bill, by moving that the Chairman report progress. He had no hesitation in using the word "plunder" in reference to this Bill; for he did not by any means consider that to be too strong an expression. It was a decided attempt to plunder the aristocracy and the landed proprietors of this country. It was an attempt (which would probably succeed) made by Her Majesty's Government to please a multitude, who cared nothing at all about them, who would laugh at them out of that House, and who would attempt to undermine that which was the best safeguard and security of the Crown and constitution, about which, in his opinion, the Government cared very little. This Bill had been brought forward to please the Manchester school, without which the Government could not hold their places, and by which they were held in the greatest contempt. The Manchester school was composed of people who, of all others, most delighted in undermining; they wore two faces under a hood; they were true moles underground. The Government ought to be independent, and not to be at the beck of a set of people that did not hesitate to plunder their best friends, in order that they might gain the support of the Manchester school. The Chancellor of the Exchequer would, by the operation of this Bill, become the recipient of stolen goods; and there was very little difference between the thieves who stole and those who received the stolen goods.

Mr. ROUNDELL PALMER said, that in referring to a discussion on the previous night on the subject of leases, it had struck him that this section of the Bill really met the whole case of leases in every instance in which the succession took place after the Act came into operation, and that it would be wholly unnecessary to introduce into it any provision to meet the falling in of leases for lives, unless in the single instance in which that event had occurred before the Act came into operation He wished to make one suggestion which rather touched the principle of the Bill. He thought that it proceeded upon too technical a distinction between successions taking place upon death and other successions; and he would suggest, that in order to give due effect to the whole principle of the measure on the ground of perfect and equal justice, it should apply to every species of succession, and not be confined simply to successions that arose upon death, as was at present the case.

Mr. HENLEY said, if he understood rightly the interpretation which had been given of the clause, a new succession duty would have to be paid upon every falling in of a lease if the property should be let again at an increased rent. With regard to the liability of trustees, the hon. and learned Solicitor General had argued that a trustee would be in no worse position under this Bill than under a will at present. But he would put this case, which was a very common one:—Persons having a life interest in estates had settled them in trustees. Upon that life interest, before the trusts were settled, there had been various charges, many under old family settlements, still not discharged from the estates, and payable out of the life interest. Would the trustees, under such circumstances, be liable to look after the succession of the persons who took those charges? He (Mr. Henley) could not see his way under this Bill, and had taken serious advice as to whether it would not be expedient for him to resign the trusts which he held.

The SOLICITOR GENERAL said, he thought, as the Bill progressed, the apprehensions of the right hon. Gentleman would be greatly relieved. The duty would be imposed on the successor, the individual who took the beneficial interest. Whenever a successor was in possession, that successor would be liable to the duty. The duty was thrown upon trustees only by the 43rd clause. When the successor was of full age, and in the enjoyment of the property, he was the person liable to pay the duty. The trustee was liable only where he was actually in the receipt and in enjoyment, holding upon trust for some person, described in the Bill as infant, ward, person under age, curator, &c.

Mr. WALPOLE said, that the hon. and learned Gentleman had omitted to read the first part of the clause, which stated that—

> "The following persons shall be held accountable to Her Majesty for duty payable in respect of any succession, but in respect only to property or funds received or disposed by them respectively and with their concurrence—that is to say, every trustee, guardian, committee, tutor or curator, or husband, in whom respectively any property, or the management of any property, subject to such duty, shall be vested," &c.

It appeared that the executors would have to account for property which belonged to the deceased person on whose death the duty arises. The trustee in this case would have to account for property not belonging to the deceased person, but which belonged to other persons, in respect to which the deceased person only had a life interest. In the one case the clause would call the executor to account for all personal estate he was likely to be possessed of; in the other case it would call on every trustee of any property which the deceased person had for his life, or a limited interest in, to account. They would have to ascertain what those particular trusts were, which fact could only be ascertained by the powers given under one of the clauses, or by exacting penalties which they imposed in another clause. He thought that he furnished a strong reason why they should be cautious in passing this Bill into a law. The only remedy he could suggest, in order to make it a good Bill, would be to strike out several of the clauses, and make it a Bill to charge a duty upon a real estate in the same way as it was now charged upon a settled estate.

Mr. MULLINGS said, he wished to know, in respect to funds in reversion received and disposed of, the estate not having fallen in, whether or not it was to be continually liable at all times for the amount of duty arising on these successions?

The SOLICITOR GENERAL said, he would suggest that the discussion of those points should be deferred until they came to the consideration of the 43rd clause, which referred to the liabilities of trustees.

Mr. CAIRNS said, he hoped when they came to the 43rd clause, that the Bill would be put in some shape, so as to afford protection to trustees. As regarded the objection of his hon. and learned Friend the Member for Plymouth (Mr. R. Palmer), he must say that he did not think the clause to which he referred applied to leases; but he must say that he was of opinion that the principle of the Bill ought to be extended to what the hon. and learned Gentleman termed the shifting clauses.

Mr. MALINS said, though entirely

opposed to the principle of the Bill, he begged to express his satisfaction at the temper and moderation of the Chancellor of the Exchequer. He was strongly of opinion that the responsibility of trustees ought not to be increased, and he hoped that before they came to the 43rd clause, this portion of the measure would be reconsidered.

Mr. HEADLAM wished to know, under this clause, whether a landlord would be liable for succession duty in respect to the increased value of an estate by the falling in of leases after he had come into possession?

The CHANCELLOR of the EXCHEQUER said, there was no doubt as regarded the intention of the Government. It was not to include the case of leases in this clause. The purpose of the clause was to point out the time when the duty was payable; but, after what had been said, it would deserve further consideration, whether, for the purpose of obviating such an effect as that referred to by the hon. and learned Member for Plymouth, some alteration should not be made in the clause.

Sir WILLIAM JOLLIFFE said, he thought the clause, as it stood, clearly applied to building leases.

The SOLICITOR GENERAL said, the clause was intended merely to define the time when the duty should be payable, and not to impose the duty or describe the persons liable to the payment of it.

Mr. BARROW said, he wished to know whether a son succeeding to his father's property in a few years was or was not, upon the expiration of building leases, to pay duty on the increased value of the property?

Sir JOHN WALSH said, that if the construction of the hon. and learned Member for Plymouth (Mr. R. Palmer) was correct, great complication would follow in the working of the measure; and then two questions would arise. The hon. and learned Gentleman said the succession duty would become payable upon all leaseholds, whenever they terminated, whether they were for terms of years or for lives. That was wholly at variance with the discussion on the previous night. The other question was at what period the increased value was to take place.

The CHANCELLOR of the EXCHEQUER said, that of course leases for years would not be subject to the tax, no succession occurring in those terms.

Mr. Malins

Mr. TATTON EGERTON said, he would suggest the case of a person succeeding to property held under leases, which at the termination of those leases would become much improved in value;—would the successor be charged on the present value or on the prospective value?

The SOLICITOR GENERAL replied, that he would be charged on the present value.

Mr. HEADLAM said, he would beg to advise that the clause should be reconsidered, in order to put an end to all doubts on the subject.

Sir JOHN PAKINGTON said, he concurred in the suggestion, and moved that the Chairman report progress.

Motion *agreed to.*

House resumed; Committee report progress.

EXCISE DUTIES ON SPIRITS BILL.

Order for Third Reading read,

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. CONOLLY said he hoped the third reading would not be gone into at that late hour (25 minutes past 12), as it involved questions of great importance, and he had given notice of an Amendment, to read it a third time in six months.

Mr. GROGAN said, he should support the appeal of the hon. Member (Mr. Conolly). The Bill was of the greatest importance to the Irish distillers, and they complained of the injustice of the Chancellor of the Exchequer's measure. The effect of the Bill would be to render the exportation of Irish whisky impossible. He held in his hand tables showing that the decrease by leakage was double that which the Government proposed to allow for.

The CHANCELLOR of the EXCHEQUER said, he could not accede to the request to appoint a night for the third reading of the Bill. A night had already been appointed for discussion, and on that occasion the hon. Gentleman opposite (Mr. Conolly) did not think fit to make his appearance. The great mass of financial and other business now remaining to be disposed of, made it impossible for the Government to appoint another night for the discussion of this question.

Mr. CONOLLY said, he thought that the question was one of too great importance to be disposed of at that late hour, for it was not, he considered, a mere fiscal question, but one concerning the demoralisation of a large class of the community. He had mixed with the population of the north-western parts of Ireland, and they required very little stimulus to be driven to the illicit distillation of spirits. Such had been the immediate effects of the measure of the late Sir Robert Peel; and the evil did not rest there, for when a body of men was found banded together for illegal purposes, there would be a focus for everything else that was bad. There would be, also, considerable difficulty in carrying out the law, and he warned the right hon. Gentleman not to lose sight of that difficulty. When Sir Robert Peel proposed his measure, the immediate result was that the gaols were filled with persons convicted under the excise laws. In Donegal, the county which he had the honour to represent, that was certainly the case, and certainly such a state of things ought not to be encouraged. Considering, then, that the proposed measure would be injurious to the social character and morality of Ireland, he felt it his duty to move the adjournment of the debate.

The CHANCELLOR OF THE EXCHEQUER said, he thought that the hon. Member for Donegal had given the best possible answer to his own opinion, that it was not practicable at that hour to discuss the merits of the Bill, by himself commencing a discussion on the subject. Although he was unable to concur in the view of the hon. Gentleman as regarded this measure, he was willing to allow its great importance; but, without wishing to disparage the motives of the hon. Gentleman in entering into this discussion, he must say that he thought that his remarks would apply more to the county which he represented than to the whole of Ireland; but, in considering a measure of finance, it was not expedient to consider only the condition of one county but of the whole country. It had been said that the Government had now reproduced the measure submitted to Parliament by Sir Robert Peel in 1841. But they did not propose the same measure, and the measure which they did propose was brought forward under different circumstances. Sir Robert Peel proposed to increase the duty on spirits 1*s*. per gallon. The present measure, deducting the allowance for wastage, increased the duty little more than 6*d*. per gallon. Then with respect to the difference of circumstances. The failure of the duty proposed by Sir Robert Peel was not owing to its being simply an increase of 1*s*. per gallon, but it was demonstrable from the figures on the table, that the failure was in a great measure owing to the powerful and remarkable temperance movement of Father Mathew, under which the consumption of spirits was rapidly diminishing. But there were other circumstances which ought also to be taken into view. Things were very different now from what they were in 1842, and it was much easier to make a change in the administration of affairs in Ireland now than it was at that time. As an instance, he might refer to the recent extension of the income tax to that country. The Government placed great reliance on the improved administrative means at their command, and did not foresee any very great difficulty in collecting this increased duty. The Government had come to the conclusion, that the services of the constabulary force might render most powerful assistance in the collection of the spirit duty in Ireland. Their intimate knowledge of the population, of their habits, of their dwellings, and of what was going on upon every spot in the country, would enable them to lend the greatest help to the revenue department, irrespective of their more direct duties as a constabulary police. The question had not been dealt with by the Treasury alone. It would have been absurd, on the part of the Government, if they had adopted a measure of the kind irrespective of the opinions of those who were acquainted with the country. They had therefore consulted the opinions of Gentlemen, not only of that House, but of those who were the responsible servants of the Crown, and engaged in the administration of the government of Ireland. Those were the general grounds upon which the proposal was made, and those grounds had already been amply discussed. Those were the grounds upon which the House had decided, by a majority of nearly three to one, to confirm the principle of increasing these duties, and he hoped the House would continue to support that principle.

MR. P. O'BRIEN said, that, while adhering to the opinion he had formerly expressed, that illicit distillation would be greatly increased by this measure, yet, considering that on the second reading of the Bill, and when in Committee, the objections to it might have been made, he did not think hon. Members would be justified in taking a division on the third reading of the Bill. Still, there was the question of wastage in bond; that was one which was greatly agitated in Ireland, and he hoped the right hon. Gentleman would even now give it his serious consideration.

LORD CLAUD HAMILTON said, he must remind the right hon. Gentleman, that, in his great Budget speech it was intimated that the Government meant to make some new arrangement on the subject of wastage. With regard to the employment of the constabulary force, his objection to that scheme was not in a fiscal but in a social and moral point of view. The House was certainly entitled to some explanation with regard to the arrangements for the combination of the existing revenue police and the constabulary, for the right hon. Gentleman had acknowledged the propriety of not involving the constabulary in the unpopularity attached to the revenue police. He hoped the right hon. Gentleman would not introduce a new source of moral disorganisation in Ireland. He did not wish for delay merely to defeat this measure, but he desired the third reading to be postponed, in order that time might be afforded to consider whether the proposed scheme was calculated to benefit the country in a moral and social point of view.

MR. H. HERBERT said, though not at all wishing to retard the progress of the Bill, still, he thought, some little forbearance should be shown to those who wished to have further time for consideration, as the employment of the constabulary force in the collection of the revenue was a matter of serious importance. In the county he had the honour to represent, and which was one of the counties in Ireland which had never been disgraced by outrage, an extra police force was sent down in 1845, in consequence of the state of things caused by the famine. Two years ago the grand jury memorialised the Lord Lieutenant to remove that additional force, which cost the county 1,200*l.* a year. The Lord Lieutenant sent word that the requisition must be made by a meeting of magistrates. Accordingly a second memorial was adopted, but to this day the county was subjected to that additional tax. The employment of a police supported by local taxation for the collection of the Imperial revenue, was a point of considerable importance, and called for the serious attention of the right hon. Gentleman.

SIR JOHN YOUNG said, there seemed to be much misapprehension as to the intentions of the Government with regard to the employment of the police. It had been the subject of very anxious consideration. The officers of the revenue and of the constabulary force had been consulted upon it; not only the heads of the police, but those who were actively engaged in its duties, and most conversant with the nature of those duties; and the opinion arrived at was, that the constabulary force could take upon themselves the duty of assisting the revenue police without at all interfering with or affecting their regular or ordinary duties. Still, however, the Government had not come to any conclusion upon the subject. They had not determined to amalgamate the two forces, nor had they come to a decision that the constabulary force should be employed in levying this spirit tax. All that was now proposed to be done was of an initiatory character. It was proposed that the revenue police should be left on an effective footing, and that the constabulary force should be used in support of the revenue police, so far as was consistent with their other duties, and with especial reference to the local information they could render. It was in fact intended, in the first instance, as an experiment. As to the imposition of any new and onerous duties on the constabulary body, he could assure the House that no new or onerous duties whatever would be thrown upon them.

LORD NAAS said, there were two points for consideration before the House. The first point was, as to the policy of the Bill of the right hon. Gentleman the Chancellor of the Exchequer; the second point was, as to the amount of allowance for collection. The right hon. Gentleman who had just sat down had laid before them nothing more than a vague plan for enlisting the services of the constabulary in the collection of information. Now, he maintained that the addition of even a penny a gallon to the existing duty upon spirits, without a very considerable addition to the powers at present enjoyed by the Excise for collection, would be, not only dangerous, but impossible. If the right hon. Gentleman opposite was not prepared to show that he could employ the constabulary in the collection of the revenue, in the same manner in which the revenue police were now employed, he (Lord Naas) was of opinion that it would be perfectly absurd to think that they would secure by any other means a sufficient guarantee that the additional duty proposed could be collected. He thought that they ought not to proceed any further that evening with the discussion of the Bill.

MR. CAIRNS said, he was opposed to the employment of the constabulary in the collection of spirit duties, as that would tend to lower the moral position of the force. But, bad as that plan would be, what was now proposed was worse, for it was contemplated to make the constabulary common spies and informers for the revenue department in every village throughout Ireland. No respect, no safety even, could be expected for the constabulary under such circumstances; and, for the sake of the peace of Ireland, he asked the House not to make them spies and informers.

COLONEL DUNNE said, he quite agreed with every word of the hon. Member who had last spoken. He could not conceive that anything more injurious to the character and efficiency of the constabulary could be invented than the proposed plan of making them collect information for the revenue police.

CAPTAIN JONES said, he fully concurred in all the objections which had been urged against the employment of the police in collecting the revenue. As to the spirit duties, he must tell the right hon. Chancellor of the Exchequer that it was the Act of Sir Robert Peel in 1841 which had reduced the revenue in 1841, and had increased illicit distillation. In 1841 the number of detections was 1,801; of persons in gaol, 171. In 1842, when the Act had had time to work, the number of detections was 1,895; of persons in gaol, 441. Next year the first head had increased to 3,456, the second to 911; and the spirits brought to duty fell off 5,546,000 gallons. Last year the number of detections was 2,904; of persons in gaol, 557. Every attempt to increase the duty was attended with increase of crime and of illicit distillation, and with a reduction of the revenue. He believed that at the present time about 3,000,000 gallons of spirits consumed in Ireland was supplied by illicit distillation. The state of the mountain districts was just the same now as when Sir Robert Peel brought in his measure, and the low selling price of oats, compared with the high duty, gave a premium on illicit distillation.

VISCOUNT GALWAY said, that as one who had not an acre of land in Ireland, he perhaps might be listened to by the Chancellor of the Exchequer when he suggested to him to adjourn the debate, seeing the feeling which existed among the Irish Members. ["No, no!"] Well, he had seen enough of the Irish Members to believe they would beat him if he did not yield.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 34; Noes 113: Majority 79.

Question again proposed, "That the Bill be now read the Third Time."

LORD NAAS said, he must complain that the House had heard no statment of the duties which the Irish constabulary were to discharge with reference to the collection of the revenue. The right hon. Gentleman ought to give them a minute and detailed explanation of the nature of the service on which that noble force was to be employed—not a statement made now, and on the spur of the moment, but a clear, definite, and satisfactory statement on some future and fitting opportunity. Till that was done, he would oppose the third reading of the Bill, and he now moved the adjournment of the House.

The CHANCELLOR OF THE EXCHEQUER said, the very reasonable request of the noble Lord was, that a minute and detailed account should be given of every little point in connexion with the service of the constabulary with regard to the collection of the revenue. Now, he could assure the noble Lord, that neither that night nor on the spur of the moment, nor any other night, would he receive from him, or the Government, a statement of the kind he had asked for. And the reason why he would not give such a statement was, that they must be guided solely by experience in the matter, as this was a case in which the judgments of the most experienced and responsible persons could only lead them up to a certain point. They must proceed very cautiously in adopting the services of the constabulary for this purpose, and therefore it was impossible to give such a minute explanation as the noble Lord required. The request of the noble Lord was most unreasonable: it was equivalent to saying, you shall not go into the water till you have learned to swim. He was afraid that if this Bill was not to be read a third time till that request was complied with, the Session would be prolonged to a period far beyond the ordinary limits.

MR. NAPIER said, he thought it a reasonable request made by the noble Lord, especially as he understood, from what had fallen from the right hon. Gentleman the

Chancellor of the Exchequer on a former evening, that the Government had a plan prepared. Instead of bandying words from one side of the House to the other, which only created acrimonious feelings, it would be far better for the Government to make a statement of the manner in which it was intended the system should work. He, for one, would be content to be bound by the opinion of Sir Duncan M'Gregor as to the employment of the force in the collection of the revenue.

Sir JOHN YOUNG said, he had had something to do with consulting Sir Duncan M'Gregor and others of the police officers under him in Ireland upon this subject. Sir Duncan M'Gregor stated that some years ago his opinion had been very adverse to any consolidation of these two forces, but that in consequence of the opinions to the contrary given by some of the best-informed officers, and by men most conversant with the districts in which illicit distillation was carried on, he had yielded up his own opinions, and was now not adverse to the consolidation of the two forces. Upon full consideration of the subject, however, it did not appear to the Government desirable that that consolidation should take place at once. There were various reasons why that consolidation should not take place; but this, it was stated, might fairly be done without in any way damaging the *morale* of the constabulary. The members of that force knew the haunts and habits of the people, knew where illicit distillation went on, and the Government proposed to bring the two forces a little nearer together—to make available for the one the information which the other possessed—not to turn them into spies, but to make available for the public service the information possessed by a public department paid out of the public funds. If, in a future year, changes were found necessary, they would be adopted, but, at present, it was only thought advisable to proceed step by step, and this was the first step. The London police gave this information and performed these duties; so did the Dublin police, and if the House gave weight to Sir Duncan M'Gregor's opinion, and to that of all his best-informed officers, that advice would be to take this very step. The Government had adopted this plan after full consideration; they had acted most cautiously in the matter; and there was no room for any of the objurgations thrown out by hon. Gentlemen opposite.

Mr. Napier

Colonel DUNNE said, it might be very right to transfer the duties of the revenue force to the ordinary police, but to make the one the detectors to the other was the very worst system that could be devised. The right hon. Baronet (Sir J. Young) had explained the plan, which the Chancellor of the Exchequer had refused to do; and all he could say of it was the right hon. Baronet had better have imitated the conduct of his Colleague, and kept it concealed. He did not think, however, that Sir Duncan M'Gregor was a better judge of the matter than the Irish country gentlemen who were in communication with the people, and who administered the laws; though he doubted much whether that gentleman would give an opinion which would have the effect of making the force he commanded a set of spies.

Mr. VINCENT SCULLY said, that though this was a great question about spirits, and though he was an Irish Gentleman, he confessed he was not very full of the subject. He thought, however, they ought all to concur in the view that as it was now half-past two o'clock in the morning, it was high time they should be permitted to retire to repose. When the Gentlemen opposite were in office, it had been their constant habit to introduce important Irish questions at very late hours; and when he had often protested against that practice, they had invariably imputed to him that he was offering a factious opposition to necessary measures of their Government. They had since changed their position, and were themselves now engaged in a course similar to that which they had formerly condemned. For his own part, he had then stated that no matter what Government might be in office, he would equally object to proceeding with important Irish business at an unreasonably late hour, and he would therefore now concur in requesting of the Chancellor of the Exchequer to consent to a postponement of the debate upon the Bill before the House. He believed that time would be gained by adopting that course, for already there had been nearly two hours consumed in discussing the mere question of adjourning the debate. The hon. Member for the King's County (Mr. P. O'Brien), who was well acquainted with the subject of the present Bill, had stated that there was an important matter upon which he and other Irish Members were anxious to express their views, in regard to the question of wastage of spirits in bond; and he believed there was another matter of equal importance, as to the unfair advantage given to the Scotch distiller by the drawback allowed to him of one-half of the duty on malt used in making Scotch spirits. In reference to the contemplated employment of the Irish constabulary to aid in collecting the public revenue, he would take this opportunity of urging upon the Chancellor of the Exchequer the propriety of at once relieving the several counties in Ireland from those charges they were at present subject to, for maintaining a body of extra police no longer required for any local purposes. In the county which he represented, the charge for extra police amounted to no less a sum than 6,000*l.* a year. It would be quite unfair to continue this liability, now that the constabulary of Ireland were to be employed in aid of the revenue police. He trusted that, when the proper time arrived, the right hon. Gentleman (Mr. Gladstone) would not fail to attend to this matter. Some hon. Gentlemen opposite had now expressed themselves very strongly against employing Irish policemen as spies. He perfectly concurred in every objection to their being used for any such purpose. But he would remind those hon. Gentlemen that when they were in office, they had not exhibited any such sensitiveness; and whenever a legitimate opportunity might arise he would undertake to demonstrate that, whilst the late Government was in office, Irish policemen had been employed as spies in the most odious sense of the term. They had been so used during the last general elections; and, as one instance, he might refer to a book called *A Fortnight in Ireland*, lately published by Sir F. Head, who had obtained every information to enable him to libel the Catholic clergy, through Members of the late Irish Government, aided by Sir Duncan M'Gregor and a spy system introduced during the last general election into the Irish police force. He defied any impartial person to read portions of that book, and entertain any doubt respecting the accuracy of his present statement. But he would reserve any further observations on that subject until a more opportune occasion. He would again press the right hon. Gentleman to consent to a postponement of the debate, as he believed no time would be saved by continuing it at this very late hour—or, rather, this early hour of the morning.

MR. CONOLLY, amid loud cries of "Divide, divide!" said, he wished to say that, in his county, they were paying a large sum for the maintenance of the police in order to preserve the peace; and now they were to be charged with this additional duty of collecting the revenue.

LORD JOHN RUSSELL said, he did not think that the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) would coincide in the opinion that the views of Sir Duncan M'Gregor were valueless, for if such were the case, the right hon. and learned Gentleman would scarcely have looked for them. He thought the best course to be adopted was to read the Bill now a third time, and take the further discussion on the final stage.

CAPTAIN MAGAN said, he thought the suggestion of the noble Lord a very fair one. He wished, however, to refer for one moment to what had occurred that evening in another place. He had very great respect for the noble Earl the late Lord Lieutenant of Ireland, but he could not help saying that he had felt the greatest pity for that noble Lord on that afternoon as he heard him reading the affidavit of a certain James Bourke, one of the greatest malefactors that ever lived. He would undertake to say that if the Chancellor of the Exchequer would but place at his disposal a sum of 5*s.* out of the Consolidated Fund — he (Captain Magan) himself would not spend it for such a purpose—that he would bring the said James Bourke to the table of that House, and he would get him to swear that the paper on which the affidavit was written was black, and that the ink was white; and with regard to his colleague, he (Capt. Magan) had ascertained on the most respectable evidence, that he had sworn that he knew a certain public-house from the sign-board which was displayed upon a particular day, and it afterwards turned out that on that very day the sign-board was in a carpenter's shop painting in Athlone. With regard to the attestation in the case of Sir Richard Levinge, he was perfectly satisfied that there was not one man capable of giving disinterested evidence in that neighbourhood. All of them were violent partisans; and he would say that if Sir Richard Levinge had been returned, that every one of the Brown family would have been provided for in the police. The whole story about the practices at the last election for the county of Westmeath were utterly untrue. So far from it that it was perfectly notorious that the unfortunate farmers were quivering in their shoes, through dread of the landlords, while they were giving their votes according to their consciences. He could assure the House that Sir Richard Levinge was more of an old woman than a man; and he (Capt. Magan) did not want to take refuge behind the forms of that House. When Sir Richard Levinge read his (Capt. Magan's) words in the morning, he was quite at liberty to consider them as having been used outside it.

Lord CLAUD HAMILTON said, he must protest against the introduction of such topics at such an hour, and the language in which they were clothed. He demanded as a right that the right hon. Gentleman should consent to the adjournment of the House, or, at all events, if he would not consent to that course, let the Government have the decency to listen to the objections of the Irish Members to their measure.

The CHANCELLOR of the EXCHEQUER said, he did not feel justified in supplying the House with the detailed information required, for it would be very impolitic to do so.

Lord NAAS said, he wished to know whether it was the intention of the Government to propose any legislation on the subject of the amalgamation of the constabulary and revenue police during the present Session, for he assumed that an Act of Parliament would be necessary on the subject before they could employ the constabulary in the collection of the revenue?

The CHANCELLOR of the EXCHEQUER replied, that it was not the intention of the Government to propose any such measure during the present Session.

Viscount GALWAY hoped, for the sake of Mr. Speaker, if from no other motive, the Government would accede to the proposal for adjourning the House.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 28; Noes 109: Majority 81.

Question again proposed, "That the Bill be now read the Third Time."

Motion made, and Question proposed, "That the Debate be now adjourned."

Lord CLAUD HAMILTON said, he would suggest that the hon. Baronet the Member for Westminster (Sir J. Shelley) should give the House his lucid views upon the subject.

Sir JOHN SHELLEY said, he could only characterise the conduct of those who were bringing forward these repeated Motions for adjournment as factious.

Lord NAAS said, he must deny the imputation of factiousness, for his question was relative to the incorporation of the two branches of the police force in Ireland, and was a natural corollary to the measure of the Government. He was sufficiently acquainted with the state of the law to be able to say that it was absolutely necessary for the Government to introduce a new Bill before they could call on the constabulary force of Ireland to act under the regulations of this Bill.

Mr. PHINN said, that the best practical reproof which the noble Lord (Lord Naas) and hon. Gentlemen on the other side had received was conveyed to them by the conduct of the right hon. and learned Member for the University of Dublin (Mr. Napier), who, having put to the Chancellor of the Exchequer a question, and having received a reply which must be satisfactory to every candid man in that House, had withdrawn himself from their company, and had desisted from an opposition which he seemed to think not warranted either by the forms or the spirit of the House.

Mr. VANSITTART said, he considered that the Opposition had been most unjustly treated in this matter, and he should support the Motion for the adjournment of the debate.

Colonel SIBTHORP said, he would not allow the Irish Members, for whom he had great respect, to be bullied by the Government.

Lord JOHN RUSSELL: Sir, any one who has had experience in this House knows that when a minority—however small, and however unreasonable may be their views—choose to go on dividing through the night, there is probably no advantage to be gained by persisting in opposing them. Therefore, seeing that we should only have a recurrence of angry speeches and divisions, I certainly should think it would now be the wiser course for this House not to proceed to the consideration of the third reading of this Bill. What the hon. and learned Gentleman (Mr. Phinn) who has just spoken has said, is perfectly true. There was one person (Mr. Napier) on the opposite side of the House who took a fair and reasonable course. I can say for him what I cannot say for others—that he was not factious. He stated his objections, and an answer having been given to them, he withdrew from the House, to show that he would not give any further countenance to this opposition. A minority may certainly persist in dividing the House, but their conduct both by this House and the country at large will be deemed very factious. That character must remain with them, but I shall not oppose the Motion for adjourning the debate.

Question put.

The House *divided*:—Ayes 21; Noes 103; Majority 82.

Question again proposed, "That the Bill be now read a Third Time."

COLONEL DUNNE moved, "That the House do now adjourn."

MR. ROSS MOORE said, he objected to proceeding with the measure without deliberation.

MR. BOWYER said, he would suggest that the Bill should be now read a third time, reserving the question as to the machinery and as to the employment or non-employment of the police force. He and his friends were strongly opposed to this measure, but they had seen that they could not defeat the Bill, and they might depend upon it if it were not read a third time now that it would be upon some future occasion.

MR. CONOLLY said, he thought that individually he had been ill-treated by the Government, who had acted in a tyrannical and unjust manner.

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman who had last spoken had at an early period stated his strong objections to this Bill; and to those objections he (the Chancellor of the Exchequer) had given his best attention. Upon the last occasion on which this question was discussed, the hon. Gentleman, who professed great interest in the matter, had not thought it worth his while to attend to give his vote; and he put it to the hon. Gentleman now, whether if the Succession Tax Bill had been concluded by ten o'clock, the hon. Gentleman would have been in his place to vote upon this subject, which he said so deeply interested his constituents. The hon. Gentleman had not spent the whole day in anxious discussion of public matters. He had not made his appearance until midnight, and then he came in that garb which showed that he had been engaged in convivial occupations. In fact, the hon. Member had come fresh into the field to oppose those who had been engaged for eight hours in the pastime of discussion. The hon, Gentleman had been playing the stale game of converting a minority into a majority; but, so long as any resolution or spirit remained in the majority, he trusted that that course never would be sanctioned.

CAPTAIN KNOX said, that the whole of these proceedings had been occasioned by the taunting and sneering manner of the Chancellor of the Exchequer.

SIR ARTHUR BROOKE said, he begged to ask if the right hon. Gentleman would assent to the reasonable proposition of the hon. Member for Dundalk (Mr. Bowyer).

The CHANCELLOR OF THE EXCHEQUER replied that, as regarded the separation of the machinery from the Bill, that was effected already. The House was not called upon to give any sanction to the employment of the constabulary. The whole arrangement would take place under the authority of the Executive, upon their own responsibility, subject to the obligation of coming to that House for the purpose of sanctioning whatever they did.

LORD CLAUD HAMILTON said, the right hon. Gentleman had read them a lecture about minorities ruling majorities: would the right hon. Gentleman consent to take the opinion of the majority of Irish Members?

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 18; Noes 94; Majority 76.

Question again proposed, "That the Bill be now read the Third Time."

Motion made, and Question proposed, "That the Debate be now adjourned."

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Bill read 3°.

Further Proceeding on Third Reading *adjourned* till *Monday* next.

The House adjourned at half after Three o'clock, till *Monday* next.

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HOUSE OF COMMONS,

Monday, June 20, 1853.

MINUTES.] PUBLIC BILLS.—1° Assessed Taxes; Dublin Parliamentary Registration.
2° Resident Magistrates (Ireland); Malicious Injuries (Ireland).
3° Public Works Loan.

TRADE LICENCES—PUBLIC BUSINESS.

MR. PHINN said, he begged to ask the right hon. Chancellor of the Exchequer whether Her Majesty's Government had reconsidered the Resolutions for imposing increased duties on certain trade licences, and, if so, when they would be prepared to lay the amended Resolutions on the table of the House?

The CHANCELLOR OF THE EXCHEQUER: Sir, I think that it will be a great convenience to the House if, in answering the question that has been put to me by the hon. and learned Gentleman, I take this opportunity to advert to the position of several of the financial measures of the Government which have not been mentioned in this House, and to state the course which we propose to take in regard to them. In the first place, as respects the licences, which are the immediate subject of the question of the hon. and learned Gentleman, upon an examination of the circumstances attending the probable operation of the scale that was originally proposed, it was soon obvious that great inconvenience, and even in particular cases what might be called oppression, would be caused by putting it in force. I therefore made it my business to consider how that scale could be revised, and in what shape it could be put, so as to operate in a manner free from those objections. But the effect of that was materially to reduce the proceeds of any such scale, and in some degree to raise the question whether, supposing we were in a position to dispense with the money we expected to derive from it, it would be desirable to stir the subject at all now, or whether it would not be more expedient on the whole to let the matter stand over until it could be considered in connexion with that which is the great and capital item in our licensing system, the publicans' licences, and all the family of licences, as I may call them, that belong to that class. The way in which the matter now stands is this. It is impossible, until I know the decision of the House with regard to several questions that are pending, and with regard to which notices have been given by hon. Gentlemen, which would affect the Exchequer, that I should give any absolute pledge on the subject of these licences. The Government have not, therefore, come to any absolute decision on that subject; but I think I may venture to say that, provided that no other inroad is made on the funds available for the public service, it may be in our power to dispense altogether from making any proposal with regard to licences, and that in that case no such proposal will be made. Of course I do not wish to be considered as binding the Government absolutely. Our decision will depend on the course that is taken with regard to other measures before the House, with respect to which votes may be come to that will materially affect our means. So much for the subject of licences. With respect to the question of the soap duties, a Bill for their repeal is prepared, and I propose to take a stage of that measure tonight. The next question to which I shall refer is that of the stamp duties. With respect to these duties there are three of the items in the Resolutions I have laid on the table, with reference to which notices have been given. The hon. Member for Pontefract (Mr. Oliveira) has given a notice relative to the penny receipt stamp; the noble Lord the Member for Middlesex (Lord R. Grosvenor) has given a notice with respect to the repeal of the attorneys and solicitors' certificate duty; and the right hon. Gentleman the Member for Manchester (Mr. Gibson) with reference to the advertisement duty. Now, as regards the stamp duties, I wish, in the first place, to remind the House, subject, of course, to your correction, Sir, that the Resolutions I have placed on the table were not required to be placed there by the forms of the House, but were simply printed for the information of hon. Members. It was thought that considerable confusion would arise, unless I put into the form of Resolutions the whole of the proposals which I have to make. But time has flowed on, and we are now in this condition: it would be extremely convenient to the community that we should get forward with the Stamp Resolutions, especially as respects the penny receipt stamp, and that which will be available for bankers' cheques, and so forth. It is desirable that the Act should be brought into immediate operation. That, however, is not a measure in which we can proceed immediately on getting a vote from the House of Commons, because it is necessary to protect the stamp from forgery, and we cannot take any measure for this purpose except on the strength of an Act of Parliament previously passed. I considered that by printing the Resolutions I have pledged myself to any Gentleman who is desirous of it to have a discussion upon them; and, therefore, if a discussion is insisted upon, I will not insert in the Stamp Bill any matter with respect to which that claim for discussion may be made. There are, however, a great many of the new stamp duties to which no objections have been taken, and no notices have been given; and the Motion of the hon. Member for Pontefract (Mr. Oliviera) relating to the penny stamp would involve simply an extension of the operation of a proposed duty, but nothing more. I therefore propose to pass the Resolutions to-night, as they have been laid on the table, with the exception of those which there is any disposition to contest. I will then bring in the Bill, with respect to which it will be for the House to take any course which it pleases. That course will enable me to gain time, while the liberty of discussion of the House will not be in any degree impaired. The Resolution with respect to the assessed taxes has taken a longer time to embody in a Bill than I expected. But the Acts on that subject are so extremely complicated that some delay was inevitable. I now, however, hold in my hand the Bill on that subject, which I shall be prepared to lay on the table to-night. An hon. Member asked me the other night for a list of the articles on which the extra customs duty of 5 per cent is still chargeable. I hold that list in my hand, and will now move that it be laid on the table.

Motion *agreed to.*

THE CRISIS IN JAMAICA.

SIR JOHN PAKINGTON said, he rose to put to the hon. Gentleman the Under-Secretary of the Colonies, or to the noble Lord the Member for the City of London, the question which stood in his name upon the paper. It referred to that collision between the House of Assembly, and the Legislative Council and the Governor on the other hand, which was publicly stated to have occurred in the island of Jamaica, and to have led to a very important political and financial crisis in that island. He begged to ask Her Majesty's Government, whether despatches had been received at the Colonial Office relating to a recent political and financial crisis in the island of Jamaica; whether Her Majesty's Government intended to propose any changes in the constitution of Jamaica, and especially with reference to the financial powers now exercised by the House of Assembly; and, lastly, whether they would have any objection to lay upon the table of the House such papers as had been received?

LORD JOHN RUSSELL: With respect, Sir, to the first question of the right hon. Gentleman, I have to state that despatches have been received at the Colonial Office from the Governor of Jamaica, with reference to the political and financial crisis which has occurred in that island. With regard to the second question of the right hon. Gentleman, I have to state that those despatches have been under the serious consideration of Her Majesty's Government, and that a plan had been proposed which it is hoped will put an end to the embarrassments which have arisen in the island of Jamaica. If that plan be adopted, it will, of course, affect the financial powers now exercised by the House of Assembly. Probably, it will not be necessary to come to Parliament to ask for fresh powers on the subject. My noble Friend the Secretary of State for the Colonies, in the course of a week or ten days, will state to the other House of Parliament, and I shall probably state about the same time in this House, the details of the plan which is proposed by the Government. Until that time I do not propose to lay any papers upon the table of the House, but we shall then be quite prepared to lay on the table papers which will elucidate the subject.

THE TURKISH AND GREEK GOVERNMENTS.

COLONEL DUNNE said, he wished to put a question to the noble Lord the Member for the City of London, of which he had given him notice, relative to certain alleged altercations between the Governments of Turkey and Greece on the occupation by the former of some villages on the Greek frontier, whether any steps had been taken to arbitrate between the two Governments; and whether, if any correspondence had taken place on the subject, the noble Lord would object to its production?

LORD JOHN RUSSELL said, that there had been no arbitration upon the differences between the Governments of Greece and Turkey relative to the possession of certain villages on the frontier. The Turkish Government claimed the occupation of these villages, and had expressed their intention of sending troops to occupy them. The Greek Government disputed the claim, and intimated their intention of despatching, and they did, in fact, despatch a force to the frontier to prevent the Turks from taking possession of the villages. The English Government, in conjunction with the representatives of the other Powers at Constantinople, intimated their wish to the Turkish Government that no forcible measures should be taken until the question had been considered. The question was considered by the representatives of Great Britain, France, and Russia, and the opinion they came to —he believed unanimously—was that these villages, according to the settlement of the boundary of 1832, belonged to Turkey. That opinion was intimated to the Greek Government; but he was not aware what further steps had been taken at Athens. The hon. and gallant Gentleman would see that this was not an arbitration, but a decision binding upon the two parties.

SUCCESSION DUTY BILL.

Order for Committee read.

House in Committee.

Clause 19.

The CHANCELLOR OF THE EXCHEQUER said, that a most important question was raised upon this clause, with reference to the improved value in the case of, and on the determination of, leases; and he was about to propose the addition of a proviso (not a very long one) to the clause, which he thought would leave the law in a satisfactory state, and analogous to that which now applied under the Legacy Duties Act :—

> "Provided that no duty shall be payable upon the determination of any lease purporting at the date thereof to be a lease at rackrent, in respect to the interest accruing to the successor on such determination."

That was now the law in respect to such leaseholds as were embraced under the Legacy Duty Acts; and, if he understood the point that had been referred to by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), it would be disposed of by this proviso, so far as this Bill was concerned.

MR. HENLEY said, he would admit that the proviso would do away with a good deal of the ambiguity that had attached to the clause. Did the right hon. Gentleman intend to extend the same principle to leases for lives and leases for years?

The CHANCELLOR OF THE EXCHEQUER said, the clause would make no distinction whatever between leases for lives and years. Another question, as the right hon. Gentleman was aware, relating to leases for lives, stood over. It related to persons now in possession, or who should be in possession before the time appointed for the commencement of the operation of this Act. That stood over to be disposed of by a separate clause.

SIR FITZROY KELLY said, he wished to know what the right hon. Gentleman intended to do in respect to leases on which Crown rents and Crown rents only were payable? Suppose a succession devolved upon a person of an entire street, containing some twenty houses, which at the time the succession attached was worth 1,000*l*., and that in ten years afterwards leases fell in which raised the amount to 10,000*l*., the first question on which he wished to have a distinct answer, either from the hon. and learned Solicitor General, or the right hon. Gentleman the Chancellor of the Exchequer, would be—whether, on the increased value of the property, it was to be understood that a new duty would become payable in proportion to the difference of value at the time when the succession tax became payable, and the time when the leases fell in?

The CHANCELLOR OF THE EXCHEQUER said, he did not know whether the hon. and learned Gentleman was acquainted with the operation of the present law. Their intention was that the new law should operate in the same way, and therefore that the increased value into the enjoyment of which the successor came at the termination of leases should then be chargeable with duty.

MR. WALPOLE said, he regarded the proviso as excluding any value which might accrue at a future period, in consequence of building leases dropping in.

MR. MULLINGS said, he would beg to move that the following words be added to the proviso, "Or for a fine, or partly for a fine, and partly for a reserved rent."

The CHANCELLOR OF THE EXCHEQUER said, there was a very obvious distinction between the case contemplated by the proviso, and that contemplated by the proposed addition. In the former all the tax that was justly due would have been paid; whereas in the latter case the duty on the increased value would remain unsatisfied.

MR. FRESHFIELD said, it struck him that difficulties would arise as to whether a lease had or had not been at rackrent.

The CHANCELLOR OF THE EXCHEQUER said, that the same point arose under the existing law, and was to be determined by the simple fact whether or not there was any other consideration named in the lease. If there was not, it would be assumed that it was at rackrent.

MR. MULLINGS said, in that case he would suggest the words, "Or as to a lease granted after the commencement of this Act."

The SOLICITOR GENERAL said, he was willing to accede to this latter suggestion.

Mr. HEADLAM said, the two classes of leases which had been referred to were very different. In the one case the increased value on the renewal of a lease would be very small, having arisen only from cultivation or similar causes, and the tax ought not to be charged. In the other case, the increased value arising from the falling in of building leases would be very great, and ought to be taxed.

Mr. MALINS said, he did not agree with the hon. Member (Mr. Henley) that the proviso was sufficient. If a landowner granted a piece of land upon building lease, at a rackrent, at the expiration of the lease succession duty would not have to be paid in proportion to the increased value; but if he were to grant the same plot of ground for a fixed sum of money at first, it would become liable; now, it appeared to him that there was no reason why one should pay any more duty than the other, and he objected to such fine distinctions being drawn.

Mr. BARROW said, he must complain of the difficulty of understanding the exact meaning which words introduced into the clause would convey from only hearing them read at the table, and considered explanation would be desirable.

The SOLICITOR GENERAL said, the Committee would recollect that a proviso had been introduced into the clause by his right hon. Friend (the Chancellor of the Exchequer) upon the suggestion of the right hon. Member for Oxfordshire (Mr. Henley) to obviate the difficulty which might arise between the Commissioners and the owners of property, in the case of estimating the value of the property as higher than represented by the lease; and the object of the proviso was to guard the possessor of land against being charged with duty for any value which was not indicated by the rent reserved. It provided that where land was let upon lease, at a rackrent—that was, upon the consideration of the rent alone—no increase of duty should be made proportionately to the increased value of the land.

Sir FITZROY KELLY said, he would suggest the propriety of further consideration before the entire language of the clause was settled. As it stood at present it would give rise to difficulty in every case in which property let upon lease had increased in value, and become subject to the duty. The case had been referred to of land let upon lease at an actual rackrent; and in that case, however much the property might increase in value, no additional duty would be charged. Now, that appeared to him to be perfectly just; but if the land were let at even a less rent, and any sum of money were paid in consideration at the commencement, it would be liable to the increased duty, and he could see no reason for that. If any large increase of value in property upon rackrent were to be allowed without increase of duty, it should not be alone the case with regard to this description of property. The language of the clause ought, in his opinion, to be rendered more definite.

The SOLICITOR GENERAL said, he considered that it must be allowed that wherever it became necessary to draw a line there were several cases which came very near the line on either side; and why the line had been drawn as it had been in the present case was, that the two descriptions of property came under different categories of law; and, in his opinion, if in the exemption leases held otherwise than uponrack rent were to be included, it would be perfectly impossible to determine where the limit should be fixed.

In reply to questions put by Mr. Michell and Mr. Spooner,

The CHANCELLOR of the EXCHEQUER said, the principle of the Bill was this, that where there had been an alienation of a property, and in consequence of the alienation the alienee became liable to the succession duty, the succession duty which he would have to pay would be determined by the relation in which the alienor stood to the property.

Amendment *negatived.*

Sir JOHN PAKINGTON said, he wished to put a question to the hon. and learned Solicitor General. He (Sir J. Pakington) had received a letter from a gentleman who inherited an estate from his uncle, subject to the life of the uncle's wife. The aunt was now in possession of the estate; but the future convenience and comfort of that gentleman required that he should build a mansion house on the estate; and he had actually completed all his arrangement for building such a house, when the newspapers informed him of the views of the Chancellor of the Exchequer in this respect. He (Sir J. Pakington) wished now to ask the hon. and learned Gentleman, whether in the event of his correspondent spending his money in building a house, he would be called upon, on the death of the widow now in possession, to pay a succession duty on such expenditure?

The SOLICITOR GENERAL said, if the right hon. Gentleman would do him the favour to give him a copy of the case, or a statement of the circumstances to which he had referred, he should endeavour to give him an answer. In the meantime he might say, by the Bill, as he understood it, any addition made to the value of the property in the form stated by the owner, of the reversion not accruing to the benefit of himself, would not be felt as a new acquisition of property by the reversioner on the death of the party in possession. As he understood the right hon. Gentleman, a remainderman, who was now entitled to an estate, subject to the life estate of a widow, proposed for his own benefit alone to build a house on the estate. He would thereby, with his own money, greatly augment the value of the property; but he did not intend that that augmentation of value should enure to the benefit of the widow; it was probably a thing done under an arrangement with her. It would not, in that case, accrue to the widow as part of her estate, and would not, therefore, be included in the value of the succession on the determination of her estate.

Sir JOHN PAKINGTON said, there might possibly be such an arrangement with the widow. He was not prepared to say that that lady might not be allowed to reside in the house after it was completed, with the permission of the remainderman. But he wanted to know whether or no, if she was excluded from the occupation of the house, the duty would be payable in respect of such house on her decease by the remainderman?

The SOLICITOR GENERAL said, in the case put by the right hon. Gentleman, it would be easy, by the mere stroke of a pen, by an agreement between the widow and the owner of the reversion, to prevent the possibility of any duty attaching; because, if the widow was willing to surrender any right of property she might have in the house proposed to be built on the estate, nothing more was requisite than to reduce that to writing, and it would operate, *pro tanto*, as a surrender of that part of the estate by the widow, and, of course, would prevent the possibility of any duty being payable by the reversioner in respect of such augmented value.

Sir JOHN PAKINGTON said, the case he had mentioned, and the answer it had elicited from the hon. and learned Gentleman, made him the more doubt the wisdom of extending this tax to real property merely because personal property was now liable to a similar duty.

Mr. W. WILLIAMS said, he could not but admire the care taken to protect real property under this Bill. Real property, it should be remembered, paid only half the duty that would be paid by other property. If the gentleman referred to by the right hon. Baronet had invested his money in funds or the shares, he would have been taxed much more heavily. There was not a servant in the right hon. Baronet's employ who would not have to pay on a legacy of 20*l.* left him by a stranger in blood—twenty times as much as the gentleman whose case had been referred to.

Mr. DRUMMOND said, he must complain of Gentlemen speaking without understanding the operation of the clause.

Mr. W. WILLIAMS said, his observations were in reply to the remarks of the right hon. Gentleman (Sir J. Pakington), and were not intended to apply to the clause itself.

Mr. DRUMMOND said, if the hon. Gentleman (Mr. W. Williams) had favoured the Committee with his attendance on Friday evening, when they were in discussion on the provisions of this Bill, he might possibly have understood something of the meaning of the clause now before them; and he would have found it was very likely that, without some explanations on the part of the Government, the very transaction mentioned by the right hon. Gentleman (Sir J. Pakington) would have come within the meaning of the words "fraudulent evasion of the duty," though he (Mr. Drummond) did not mean to say that that was the construction to be put on it.

Mr. W. WILLIAMS said, he must explain, that his remarks had been addressed, as he had previously stated, rather to the observations of the right hon. Gentleman (Sir J. Pakington), than to the clause itself.

Mr. J. PHILLIMORE said, it was clear the hon. Member for Lambeth had misunderstood the case referred to by the right hon. Gentleman.

The SOLICITOR GENERAL said, he could imagine a great evil that would arise if the alterations of this Bill were to prevent the remainderman or reversioner from making improvements in an estate during the contingency of a particular interest. Therefore, it should be taken into consideration whether the case might not be met by inserting a clause to the effect that moneys laid out by the successor in the improvement of property, pending the duration of a particular estate, should not be charged in the computation of the value of the succession occasioned by the cessation of that particular estate.

SIR J. PAKINGTON begged to thank the hon. and learned Gentleman. Nothing could be more satisfactory than the answer he had given to the question.

The CHANCELLOR OF THE EXCHEQUER said, what he had observed all along was this—that a great number of provisions of law which were now in operation without the slightest mitigation, and of which he had not heard one word of complaint from the right hon. Baronet or his friends, but which fell upon the poorer classes of the community, were now found to be particularly oppressive. The truth was, the case which the right hon. Baronet supposed was a case that might happen to leasehold property under the present law. He did not want to use this fact as an *argumentum ad hominem*, but to show that these difficulties were not peculiar to this Bill, but that they existed under the operation of the existing law, and in an aggravated form.

SIR JOHN PAKINGTON said, the right hon. Gentleman would have it inferred that the injustice of the legacy duties was passed by without complaint by hon. Members on that (the Opposition) side of the House, so long as it bore only upon other classes of the community. Why, they had never been called on to express an opinion upon the existing legacy duties. If they had, he, for one, should certainly not have hesitated in the opinion which he should have expressed. He should have said that no sort of tax was more oppressive, more painful, or more objectionable than that tax. He would have appealed, as he had done before, to the language of the highest authorities with regard to it. He would have appealed to the Dutch law, which altogether exempted direct descendants. He would have appealed to the highest political authorities, who, in the strongest language, had dilated upon the cruelty of imposing a tax on direct succession where the property came from father to son. He would have appealed to Lord Grey, who had characterised the tax as "a tax upon misfortune." He had no hesitation in saying, in answer to the right hon. Gentleman, that he condemned, disliked, and disapproved of the legacy duty; and one of his reasons for objecting to the Bill now under discussion was, that it sought to extend this tax, because it had an existence at present, to all classes of property; whereas his opinion was, that, existing at present, it was a bad tax, unsound in its principle, most painful and objectionable in its operation—therefore, a tax which they ought rather to repeal than to seek to extend it to other classes. At the same time he must say that it was a tax more easily obtainable from personal than from real property.

MR. WILLIAMS said, that if a poor widow had been left 20*l.* by her father-in-law, she would be liable to a tax of 12½ per cent. They had heard a good deal of late of rateable property; but the right hon. Gentleman (Sir J. Pakington) did not seem to be aware that more than one-third of the existing rateable property paid legacy duty and probate duty also.

Clause *agreed to.*

Clause 20 (The interest of a successor in real property to be considered as an annuity).

SIR FITZROY KELLY said, the substance of this clause was—that the whole amount of the tax to be assessed in respect to the interest of a successor should be payable by eight equal half-yearly instalments—the first upon the expiration of twelve months after the succession. Whatever might be the precise period at which the first payment was to take place, the whole aggregate amount of the tax was to be paid in five, or at most in six, years from the time of succession. [An Hon. MEMBER: Or in four years and a half.] Or, as an hon. Member suggested, it might be wholly paid in four years and a half. Now, he considered that this clause, as it stood, went to introduce and to apply to this new law inequalities as unjust and as mischievous as the worst of those that were to be found in the income tax, of which he had repeatedly, though in vain, complained. He would take a case under this clause, and consider it with regard to the tables in the schedule. He would suppose that an estate of the net value of 1,000*l.* per annum devolved upon a person whose life was, according to the tables, to be calculated at the greatest possible duration—that was to say, at four years of age, where 100*l.* a year was valued at upwards of nineteen years' purchase—but which he would assume to be twenty years. Then suppose an estate of 2,000*l.* a year to devolve upon two persons, each at four years of age. Their interest was valued at nearly twenty years' purchase, consequently the interest of each of those persons would be valued at 20,000*l.* He would suppose these persons to be in that degree of relation to the predecessor which would render them liable to the tax of 5 per cent. They would, therefore, each of them be taxed to the amount of 1,000*l.* As the clause stood, each would have to pay 1,000*l.* in the space of five years, by instalments of 200*l.* a year. One of these persons, he would suppose, lived for five years and a half. When he had just paid the entire sum of 1,000*l.* by instalments of 200*l.* a year, he died—the life estate was at an end—the property passed away from him, and perhaps from his family. But the other person, who had derived the same amount of property, and who had paid the same sum of 1,000*l.* in the same period of five years, might live for fifty or fifty-five years after that time. That person would then have enjoyed an estate of 1,000*l.* a year for fifty-five years, and have paid exactly the same amount of taxation as he who had enjoyed it for five years only. Now, he wanted to ask whether this was just? It was to this striking inequality, and to this striking injustice, that he wished to call the attention of the Government, while there was yet time to prevent it, by the substitution of a very simple but a very different mode of imposing and levying this tax. He might be told it was impossible to proceed but by averages. The averages might be just in themselves; but he doubted the fact. He believed that there was a mode of levying the tax by which much of its injustice and inequality might be remedied. For example, 1,000*l.* had to be levied from every person of four years of age, who became entitled to property of the value of 1,000*l.* a year. Then, instead of levying this 1,000*l.* by instalments or payments of 200*l.* a year for five years, why not levy it in payments of 50*l.* a year for so long as the individual who was to take possession should live? Instead of levying the tax upon the years of life on which the averages were calculated, they should make all lives equal, and calculate the duration of life in proportion to the enjoyment of the property. He might be told that 1,000*l.* levied over five years was worth more than 1,000*l.* levied over fifty-five years; but he asked the Government why they should persevere in a system of averages which, though just in themselves, were unjust in their application, when the injustice might be remedied by levying the tax according to the enjoyment of the property? The principle, indeed, had already been admitted in this very Bill, by the provision that if a person having only a life estate, liable to the payment of 1,000*l.*, died after paying the first or second instalment, the liability to pay the remainder was at an end. In such a case the party paid the tax just so long as he enjoyed the property; and why should not this just rule be allowed to prevail throughout the whole time that the annuitant enjoyed the property? By making the payment of the tax coextensive with the life of the party enjoying the property, perfect justice would be done; whilst, when the whole was taken together, the long payments and the short payments, if the averages of the Bill were correct, the result would be that the State would receive the same amount of taxes, but with more regularity, year by year. He would suggest, therefore, that the clause should be amended to that effect.

Sir F. Kelly

The CHANCELLOR OF THE EXCHEQUER said, he could not comprehend from the observations of the hon. and learned Gentleman whether he proposed to include personal as well as real property in his proposition or not.

SIR FITZROY KELLY said, that he had confined his suggestions to the clause; but if there were personal property of any description whatever, which could be enjoyed under the same circumstances, he meant his suggestions to apply equally to that.

The CHANCELLOR OF THE EXCHEQUER said, it appeared to him that the hon. and learned Gentleman did not seem to have well considered the nature and consequences of his own suggestion. He said he proposed it in the case of realty, but he did not object to treat personalty in the same manner under similar circumstances. The hon. and learned Gentleman said he thought it most urgent that, on the ground of injustice, as the Bill now stood, this change should be made. But if it were urgent with respect to realty, surely it was much more so as to personalty. The hon. and learned Gentleman had represented the case of two children, one of whom lived only five years and the other fifty, as a piteous case of inequality; but if the hon.

and learned Gentleman was moved to compassion by his own narrative, what must he say to the case of two other children coming into the enjoyment of personalty when he recollected that, under this Bill, the succession to personalty was saddled with more than double the amount of realty, and, consequently, with more than double its inequality? Was the change, then, to be made with regard to personalty or not? The hon. and learned Gentleman said, "Yes, with regard to principle, and under the same circumstances as a life annuity." But this Bill did not apply to life annuities alone—it applied to cases where parties came into possession of the capital value of a life interest. Now, he wanted to know how the suggestion of the hon. and learned Gentleman would answer in the case of a person who had just come into the possession of unsettled personalty, and who last year had the satisfaction of paying 10 per cent legacy duty, and 2½ per cent probate duty? The hon. and learned Gentleman proposed that this person should immediately have the privilege of starting on the payment of an annual tax. The truth was, he (the Chancellor of the Exchequer) did not think it would be possible to come nearer equality by any such proposal. The hon. and learned Gentleman must see that, whatever the inequality, it was severe in proportion to the rate of the tax; and as, on the average, the rate of the tax on personalty would be double that on realty, if a change were effected as to realty, it must also be made as to personalty; and if it were made as to personalty, then they must break up the existing legacy and probate duties, and call upon those persons who had just paid the legacy duties immediately to pay that which was, in fact, a commutation. He (the Chancellor of the Exchequer) confessed that he was not shocked by the case the hon. and learned Gentleman had put of two children succeeding to property when four years old, and whilst the one lived five years, during which he just paid the tax, and was then removed from this shifting scene; and the other enjoyed the property for the full term of human life. For his part, he did not see any great political or social evil, or personal injustice, in the matter. The inequality of life might be a good or a bad arrangement; but it did not depend upon us to settle that matter. There were many tenures of property. There were copyholds; there were also leases for lives. What did the hon. and learned Gentleman think of these? But, taking the case the learned Gentleman had put, did he think that the wants of the child of four years old—his demands and necessities—were the same as they would be when he was thirty or forty years old, and had, perhaps, a family to maintain? [Sir F. KELLY: No!] The hon. and learned Gentleman did not think so; but if he did not think so, what became of this inequality? The care of the hon. and learned Gentleman was enlisted for that class whom the late Sidney Smith described as little legislators, who received their plum-pudding and cake after dinner. The substitute the hon. and learned Gentleman proposed appeared to him (the Chancellor of the Exchequer) a most dangerous measure. It was the adoption of an annual tax as a substitute for a succession tax; and if an annual tax were to be substituted for a succession tax, it must be with respect to personalty as well as realty. Then, when they came to apply that annual tax to personalty, what would they have? Why, that which was called a property tax. And he frankly owned he did not know how a property tax was to be worked; though even if it could be worked it would be most dangerous. Let them observe the extreme inequalities in the rates of the tax they were about to levy. The range of those inequalities would be from one to twenty. Upon the average length of life they were going to lay a tax which would fall upon one man with a severity measured by twenty, and upon another man with only one-twentieth part of that severity. Upon direct succession to land the tax would press with a severity measured by the figure 1; whilst upon a stranger succeeding to personalty it would fall with a severity measured by the figure 20. Did the hon. and learned Member think that the annual tax should be graduated in the same manner; so that this annual tax, in commutation for the succession tax, should be paid by one man at the rate of 1*s.*, whilst it was paid by another at the rate of 1*l.*? Would that be a safe basis on which to found the tax? Did he suppose it would remain long undisturbed on such a basis? And if the foundation of the tax came to be unsettled, who did he think would be the sufferer—the man who was to pay twenty shillings, or the man who was to pay one shilling? Who was the class who would pay the one shilling? Why, the great bulk of the successors to landed property. The proposal of the hon. and learned Gentleman was simply a proposal to put the tax in such a form as must positively lead to some mitigation and relief, so far as regarded succession to a stranger; but would infallibly lead to a multiplication of the tax four or five fold, or more than that, as far as regarded the direct succession of children to the possession of landed property. He did not know if it had presented itself to the mind of the hon. and learned Gentleman; if not, he seriously commended it to his meditation. But how were they to deal with the mass of property which was engaged in trade and commerce? Were they to have continual inquisition from year to year—every twelve months—into the amount of every man's capital? [Sir F. Kelly: No, no!] Why, that was the proposal of the hon. and learned Gentleman; and he (the Chancellor of the Exchequer) held that there was no inequality in the mere amount of the tax that would be one-half so grievous and oppressive to the commercial and trading classes of England, as the inquisition renewed from year to year proposed by the hon. and learned Gentleman, to ascertain the amount of capital on which the commutation of succession tax was to be paid. But, independently of one class or another, he did not think that that House was prepared for the principle of a property tax at all. This, he granted, was analogous in principle to a property tax, but differing in this respect, that a property tax was levied from year to year, whilst this was to be levied but once in a generation. An annual property tax was a very different matter. The very fact of its being so high made a difference—a property tax being always low in its amount. That was his fundamental objection to the proposition of the hon. and learned Gentleman. It was a property tax which necessitated an inquisition from year to year, and involving all the dangers of such a tax. Therefore it was quite impossible that the Government could agree to the Amendment.

Sir FITZROY KELLY said, he must beg to explain that in selecting the case of a child of four years old, he was governed merely by the convenience of dealing with round numbers, the life interest being calculated at about twenty years, but the principle was the same; and he might just as easily have illustrated his argument by taking a person at the age of thirty-three, and thus got rid of what had been so facetiously urged by the right hon. Gentleman.

He proposed to apply the Amendment to property of every description, whether real or personal, in which a life interest devolved upon a person under this Succession Bill, and where the tax was assessed and estimated as upon a life interest. If when the tax was assessed it were possible to foretell how long the person would live, it might be assessed on the precise duration of each life. It was only because no one could foretell how long a person would live, that they were obliged to resort to averages, which being unequal, must be unjust. He would at once give notice, that, subsequently, he should bring the matter under the attention either of the Committee or of the House.

Mr. W. WILLIAMS said, the hon. and learned Gentleman had admitted one very important principle, namely, that personal ought to be placed on the same footing as real property. He (Mr. Williams) decidedly objected to the clause, though for a very different reason from that of the hon. and learned Gentleman. The right hon. Gentleman (the Chancellor of the Exchequer) had brought on himself this factious opposition to the proposed tax, by giving landowners a concession of 50 per cent. Had he placed real property on precisely the same footing as personal, such opposition could not have been offered. The amount of duty in the case of the first degree of consanguinity was only half per cent, and that would be the case of nine-tenths of the real property which would come under the operation of the Act. A distinction of half per cent between the two kinds of property appeared to him most unjust. He ought not, perhaps, to make any complaint against the Chancellor of the Exchequer; he knew the right hon. Gentleman's difficulties, and was sensible that he had exhibited a degree of courage to be found in few public men. Still he hoped he would reconsider the clause with a view to amendment. It should be recollected that personal property would pay probate duty, 3 per cent for all property under 30,000*l*., and 1½ per cent above 30,000*l*. He objected to the extension of time allowed for the payment of the paltry and miserable amount of tax under this Bill. Personal property was not only obliged to pay probate duty, but must also pay the legacy duty within twenty-one days after the right to possession was established. Was it not strikingly unjust that one class of property should be obliged to pay legacy duty within twenty-one days, while another class of property was allowed four years and a half for the payment? He entreated the right hon. Gentleman, if he could not make this property pay in twenty-one days like personalty, that at least he would make the duty payable within twelve months; and if he could not get the landholders to agree to that—if they were too strong for him—let him allow them 17½ per cent discount.

MR. DRUMMOND said, if a "factious opposition" had any meaning at all, which he very much doubted, it meant the taking advantage of some technical phraseology to throw out a clause. There had been no such opposition to this Bill. The discussions had been directed to discover exactly what the Government meant, and to see that the Bill expressed exactly what they said it meant. He merely rose to inquire if the words "equal to the annual value of such property," were to be taken in conjunction with the clause following?

The CHANCELLOR OF THE EXCHEQUER said, the one clause was intended to lead to the other.

SIR JOHN PAKINGTON said, he thought it incumbent on them to be correct in statements, and to avoid the appearance of exaggeration. He did not wish to imply that the Chancellor of the Exchequer would intentionally be guilty either of inaccuracy or exaggeration; but the right hon. Gentleman had been led into a statement which might lead to misapprehension on the part of many persons not conversant with the details of the Bill. The right hon. Gentleman drew a comparison between payments by realty and payments by personalty—in the case of realty taking direct succession at 1 per cent, and in the case of personalty taking the case of a stranger at 10 per cent. The hon. Member for Lambeth (Mr. W. Williams) had still further exaggerated the comparison, by stating the comparison at 20 per cent against half per cent. He felt bound, therefore, to express his opinion that it would be fairer to compare direct descent in the case of land with direct descent in the case of money, and inheritance by strangers in the one case with inheritance by strangers in the other.

The CHANCELLOR OF THE EXCHEQUER said, he concurred in the principle laid down by the right hon. Baronet, and assured him that in every syllable he had uttered he had been strictly and rigidly accurate. What he said was, that the extremes of payment were represented by twenty and by one—the one meaning the direct succession to land, and the twenty meaning the succession of a stranger; and if he were inaccurate at all, it was in the way suggested by the hon. Member for Lambeth, that he ought to have added the probate duty on personalty, which would make the difference more than as twenty to one.

MR. MALINS said, he was not one of those who would contend that landed property ought to be exempted from this tax, but he considered that it ought not to pay so much, because of the great difficulty of raising it. As a proof that he was not actuated by factious opposition, he was totally unable to assent to the suggestion of the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly), because the case he put was fully answered by the Chancellor of the Exchequer, that the difference arose from the accidents of human life; and if the principle were applied to this tax, it must be extended to the existing tax on personal property. He was no admirer of the legacy duty. If the revenue would allow it, he should be glad to see it taken off altogether. He thought the length of the discussion on the proposed application of that tax to real property must have made the right hon. Gentleman regret that he had not had recourse to some other means than the succession duty. [The CHANCELLOR of the EXCHEQUER made a gesture of dissent.] However that might be, he thought he might possibly shorten the present discussion by intimating, on the part of himself and several hon. Members near him, that they did not concur in the views of the hon. and learned Gentleman (Sir F. Kelly), and hoped he would not press his Amendment to a division.

MR. PHILIPPS said, he considered that the land ought to be less heavily burdened than personal property, as it decreased so much in value under a forced sale, which would be often necessary to meet the tax.

MR. APSLEY PELLATT said, he must complain that successors to real property would only pay half the percentage which successors to personal property would be called on to pay, and that a remission of instalments due, if the person died, should be made in the one case and not in the other.

The CHANCELLOR OF THE EXCHEQUER said, in cases of annuities payable out of personalty the same favour was granted.

MR. AGLIONBY said, he was of opinion that no undue concession was given to the land. A measure for the efficient and cheap transfer of land should have been concomitant with, if not precedent to, this Bill; but he feared the Registration of Assurances Bill, which was now before a Select Committee, would increase rather than diminish the expense of those transfers. He did not like the Succession Bill: he had many misgivings about its effects. Though in theory it might be right, in many cases it would produce hardship, and the only class it would benefit would be the attorneys.

MR. MICHELL said, he thought he had a right to complain that the tables were too high; that Mr. Trevor had calculated them at seventeen years; that the tables in the Bill were not the same tables, but were computed at least five years higher. In some instances the effect of this change would be very nearly to double the rate of duty which otherwise would be paid.

The CHANCELLOR OF THE EXCHEQUER said, that this charge, with regard to the tables, was quite a mistake. The fact was, that the Northampton tables were out of date, and were superseded by the tables lately constructed at the National Debt Office; the last report from that office stated, as a remarkable proof of the accuracy of their tables, that the identical number of deaths which were computed for the last few years had actually taken place.

MR. W. WILLIAMS said, he would not oppose the Bill going through Committee; but when the Report was brought up, he would attempt to remove the inequality of the Bill in levying the duty within twenty-one days on personal property, and on real property extending the payment of the duty over four and a half years.

Clause, as amended, *agreed to.*

Clause 21 (In estimating the annual value of lands used for agricultural purposes, houses, buildings, tithes, teinds, rent-charges, and other property yielding or capable of yielding income not of a fluctuating character, an allowance shall be made of all necessary outgoings; but there shall be included in such estimate, in the case of a successor not restricted from cutting the timber thereon, the computed annual value of such timber, not being timber planted or left standing for the shelter or ornament of a mansion house, and valued therewith).

MR. DRUMMOND said, he wanted to know how it was intended to value such houses as Castle Howard or Woburn Abbey. Then, again, he wanted to know what was the meaning of ornamental timber. He did

not see how timber could be valued at all independent of the ground. Take, for instance, the Leasowes of Shenstone: they were the admiration of the world; but the value of the timber depended upon the picturesque nature of the ground. So it was with those beautiful beeches that Lord Grenville bought solely for the effect they had in their situation. But he knew a case where a noble friend of his, in Scotland, had 17,000 trees blown down in one night, and nobody would have them even for the taking them away. In such cases, it seemed to him to be absurd to attempt an estimate of their value.

The CHANCELLOR OF THE EXCHEQUER said, he did not imagine that the words "ornamental timber" admitted well of any definition further than was conveyed by the term itself. He thought, perhaps, however, that "timber left standing for ornament," was a better definition than "ornamental timber." With respect to the valuation of land and houses, that was an old perpetual standing difficulty, but it was not in any sense a difficulty peculiar to this Bill. Houses would be valued for the purposes of this Bill as they were now valued for the purposes of the Legacy Duties Act, or as they were valued for the house duty.

SIR JOHN TROLLOPE said, that there had always been considerable difficulty in assessing the house tax on large mansions, and the rule had been not to assess them at the rent which they might be expected to let at, if they could have been let. There would be no difficulty in this case, because the valuation would be taken on a nominal value, and not with reference to the expense of their erection. With regard to timber, he should like to know whether the vast ranges of plantation in Scotland, which had been planted for the purpose of affording shelter, and also whether the old oaks in the parks of England, were to be considered as coming within the exception. He thought the right hon. Gentleman would find some difficulty in carrying the ornamental-timber clause into execution.

The CHANCELLOR OF THE EXCHEQUER said, that the timber which was to be excepted from valuation as timber under this clause as it stood printed, was "timber planted or left standing for the shelter or ornament of a mansion-house, and valued therewith." He proposed to substitute for these latter words the words, "and entering into the valuation thereof for the purposes of this Act." It would be observed that there were already two tests provided. It was not merely to be timber planted for the shelter or ornament of the mansion-house, but also which entered into the valuation with the mansion-house.

Mr. HENLEY said, he wished to know what was meant by the words "necessary outgoings" in the clause. The right hon. Gentleman had admitted that repairs and insurance were necessary outgoings; but he had said nothing about agency or cost of drainage or fencing. Some clear definition ought to be given, for the taxpayer would have one opinion, and the tax-gatherer another.

The SOLICITOR GENERAL said, that the Legislature were compelled on various occasions to adopt phraseology which, though vague in itself, had already received a judicial and recognised interpretation in the Courts of Law and Equity. In the present case, the phrase "necessary outgoings" was one which was in common and familiar use, particularly in Courts of Equity, which settled the accounts of trustees. The phrase might be explained to mean those outgoings which would be allowed as between a trustee in the possession and management of an estate, and the beneficial owner to whom he was responsible. Take the case of draining, for instance. That might be a speculative improvement, and would not, therefore, be regarded as falling within the ordinary power and authority of a trustee. "Necessary outgoings" might, therefore, be defined as those outgoings which were necessary to the due and ordinary administration of property; and the rule which already existed in the Courts of Law in corresponding cases would readily be resorted to in order to determine the meaning of the words.

Sir JOHN HANMER said, he could not help thinking that the explanation which had just been given by the hon. and learned Gentleman the Solicitor General was a great deal more ingenious than satisfactory. For himself, he had not yet been able to get over the difficulty of understanding what was really meant by "ornamental timber," or whether or not it was to be exempted from taxation at all. He, for one, objected to the taxation of timber under any shape or for any reason whatever; but since it was acknowledged that only some species of timber, for some reason or other, was to be exempted, it was important that they should understand clearly and exactly what that timber was. It was by no means satisfactory to him to be told that certain phrases were in common and familiar use in Courts of Law. He wanted the phrases clearly and distinctly defined. It was not the mere taxation he objected to, so much as the frightful prospect of litigation which the clause would be certain to open up, if they did not take care what they were doing. Every one knew that landed property was sufficiently entangled with legal nets already, and he did not think it would be wise to spread any more. He believed that this clause, if it really became an enacting clause, would bring in least to the Exchequer in the way of money, while, at the same time, it would create the greatest amount of dislike and dissatisfaction—he did not think he went too far in using even the word hatred—against the Bill. Why should they confine the exemption to "timber planted, or left standing for the shelter or ornament of a mansion-house?" It was well known that there were thousands of acres of land in this country that were incapable of occupation, except for the belts of trees that were planted near them to keep out the sea breezes and the like. As, then, the rent of such land depended on there being such plantations, he could not see why they, taxing the rent, should also tax the trees. Trees were of all sorts, sizes, and ages; and timber itself would be difficult to define. How was it to be defined, and what was meant by "capable of yielding income?" Hon. Members would probably recollect the letters of Mr. Caird in the *Times*, and the graphic descriptions which he gave of the state of landed property in various counties of England. Mr. Caird, it would be remembered, criticised—and he (Sir J. Hanmer) had elsewhere seen continual criticisms upon the conduct of landlords in not planting belts of trees on their estates more frequently than they did, with the view at once of adding to the comfort of large districts of country, and bringing in profitable returns. Well, then, if trees for shelter were to be exempted from the tax, why not exempt these? He repeated his earnest deprecation of the inclusion of any kind of timber in the tax. The Legislature were taking the duty off foreign timber: why, then, should they put it on home-grown timber?

The CHANCELLOR of the EXCHEQUER said, it was not difficult to explain what was meant by the words "property capable of yielding income." A house in

Grosvenor Square, inhabited by its owner, instead of being let to another party, would not be property yielding income, although it would be capable of yielding income. He most anxiously deprecated the mode of discussion that was now going on. Here was a clause including three or four subjects of great importance, and it would be entirely hopeless to expect that they should make any progress until they separated the one of those subjects from the other. He thought it desirable that they should first of all dispose of that part of the clause which referred to necessary outgoings, and after they had satisfied themselves upon that point, they could then proceed to take up the very important question with respect to timber. With regard to the allowance proposed to be made for all "necessary outgoings," the Government had been desirous of adopting a mode of working this portion of the Bill which would neither cause litigation, inconvenience, nor alarm; and, as there was an established usage in the matter, though it might not be perfectly certain and uniform in all parts of the country, they had thought it better on the whole to trust to that usage, rather than to attempt to frame specific definitions. He had been asked what were "necessary outgoings;" but he must remind the right hon. Gentleman (Mr. Henley) that he (the Chancellor of the Exchequer) and the Members of Her Majesty's Government were no more competent to fix the definition of that phrase than any Members of that House. He thought it would be very unsafe to enumerate these necessary outgoings, because they would run great risk of excluding items which, in particular cases, might be just and legitimate. He considered that the words used in the Bill were the safest and simplest that could have been selected for describing the general rule of valuation; and he might remind the Committee that the section of the present Legacy Duty Act, regulating the valuation of leasehold property, was in terms far more loose and general than the words of the clause they were now discussing. Under these indeterminate and general terms, a system of valuation of the most complicated description for the purposes of the legacy duty had been carried on for fifty-six years, and he believed that in no case had parties availed themselves of the appeal provided by the measure.

Mr. HENLEY said, he did not think the statement of the Chancellor of the Exchequer was satisfactory, and he would repeat his objection to the use of the general terms in the clause. He begged to remind the right hon. Gentleman that many estates in England, and still more in Scotland, were mortgaged to the Crown for advances under the Drainage Acts; and this charge upon the estates would entitle the holders to a reduction in respect of the succession duty; but the provident landlords, who had laid out their own money in draining and improving their estates, would not have the benefit of a farthing's allowance. He conceived that this subject deserved the serious attention of the Government, because persons who drained their own lands with their own money should be placed in at least as advantageous a position as men who had mortgaged their estates to the Crown. He (Mr. Henley) would be better satisfied if the different outgoings were specified, in order to avoid disputes and litigation between taxgatherers and taxpayers. He would, therefore, move the insertion, after the words, "necessary outgoings," of the words "such as repairs, insurance, drainage, and agency."

The SOLICITOR GENERAL said, that the right hon. Gentleman's proposal was to make an allowance to the successor to an estate for the money he might expend in drainage. The estate, however, would be valued at the time when it came into his possession, and it was upon that valuation that he would be taxed under the operation of the measure which they were then discussing. He (the Solicitor General) did not deem it, therefore, a reasonable proposal to make a deduction in favour of the successor to a property in consequence of any expenditure which he might incur in making improvements by drainage upon his estate, the fruits of which improvements he would enjoy some four or five years after the period of his succession.

The CHANCELLOR OF THE EXCHEQUER said, he objected to the proposal of the right hon. Gentleman opposite (Mr. Henley). He could not see, with respect to the case of "agency," for instance, how any rule making deductions with respect to it could be laid down beforehand. The law did not contemplate that a man should not manage his own estate, or that he should engage the services of another for that purpose. There was no better illustration of the danger of enumerating deductions that could be found than the proposal of the right hon. Gentleman opposite. He objected to that proposal because, on the one hand, it included items which should not be allowed as deductions; and because, on the other hand, it excluded others, which should be allowed. Take drainage, for example. There were two kinds of drainage: one description was performed by the landlord with the view of securing the rent—that was a necessary outgoing anterior to rent, and without which rent could not exist—and nothing could be more clear than that this should be allowed as a deduction. But it was different where the tenant covenanted to pay 4, 5, or 6 per cent upon the capital expended by the landlord in drainage. There the drainage was more in the nature of an improvement than a necessary outgoing. It was, in fact, a fresh outlay of capital, like a purchase of new lands, and therefore, while the interest of the money should be allowed as a deduction, the principal itself should not be included among the deductions. Accordingly, no allowance would be made for the sums borrowed under the Drainage Acts.

MR. VERNON SMITH said, he was disposed to support the insertion of the words suggested by the right hon. Gentleman opposite, provided he would consent to leave out the last—"agency." Agency was only a charge upon large estates, and its deduction would be extremely invidious and partial.

MR. HENLEY said, he was quite willing to agree to the request of the right hon. Member.

MR. ROUNDELL PALMER said, he could hardly conceive anything more injurious to the landed interests than the proposal of the right hon. Gentleman the Member for Oxfordshire. The effect of inserting the proposed words would be that the Courts of Law, when they came to construe and interpret the Act, would only allow the deductions enumerated, though there might be many other necessary outgoings for which allowance ought to be made. One of the most fertile sources of litigation in connexion with the construction of wills and settlements consisted in general terms, fitted to serve every useful purpose, being cut down and defined by subsequent enumeration. The same would be the result here if the proposed words were inserted in the clause.

SIR THOMAS ACLAND said, he could not approve of the Amendments of the right hon. Gentleman the Member for Oxfordshire.

MR. G. BUTT said, he willingly admitted the difficulty of framing the clause so as to meet the objection. A Court of Equity would not have to construe the Act, but the Court of Exchequer would have to try the issue of facts. The meaning of "necessary outgoings" would vary according to circumstances, and the addition of any words, as proposed, would not lead to any precise construction.

MR. AGLIONBY said, he entertained strong doubts as to the latter part of the clause. With regard to the words under discussion it was proposed to add, after the words "necessary outgoings," the words "such as insurance, drainage, and repairs;" he could not conceive any words more calculated to cause litigation. The words might enable the successor to lay out money at a larger interest than the outlay was worth, by arrangement with his tenant, and yet he would be entitled to a reduction under the Act. He preferred the words "necessary outgoings" to the vagueness of the terms of the Legacy Act.

MR. MALINS said, he concurred with the hon. and learned Solicitor General that the words "necessary outgoings" had, to a considerable extent, been well defined by the Courts of Law and Equity, and there would be very little difficulty in determining what could be deducted under those words. He recommended the right hon. Gentleman the Member for Oxfordshire not to press the Amendment.

MR. HENLEY said, that his sole object in proposing the additional words was to raise a discussion upon them, and elicit the opinions of hon. and learned Gentlemen on both sides of the House. Under the present Legacy Act there had not been much litigation; and if the Bill now under discussion was administered in the same way, he trusted the result would not be so different as he at one time anticipated. He therefore would not press his Amendment.

MR. HILDYARD said, he would request the Chancellor of the Exchequer to say what was to determine the annual value. Clearly it was not intended that it should be the rent. He believed that a larger sum would be paid to surveyors and valuators for a certain number of years, than would find its way into the pocket of the Chancellor of the Exchequer.

The CHANCELLOR OF THE EXCHEQUER said, that with reference to this part of the Bill, more safeguards had been taken than had ever been had recourse to in any former Bill. Everything that came under the operation of the present Legacy Duty Act was valued without any precise test of value being laid down by which it should be tried. But in the present Bill they had fixed that it was the annual value that should be taken, and that the party himself should be the one to render an account of the value, and a guide was provided that he might know what deductions he was to make, namely, necessary outlay. He (the Chancellor of the Exchequer) could not conceive in what way it would be possible to be more distinct and specific as to the mode of finding the annual value.

SIR WILLIAM JOLLIFFE said, he must complain that it was impossible to discover upon what principle the value was to be ascertained, or the deductions were to be made.

SIR JOHN TROLLOPE said, he should propose that the remainder of the clause, after the word "outgoings," be left out entirely. The Levitical law subjected such articles as "mint, and anise, and cummin," to payment of a tithe, but he had never heard that it was proposed to tax the cedars of Lebanon; and though the fathers of our Church took care to tax the smallest articles, he never found they attempted to lay a tax or a tithe upon timber. Nobody had ever attempted, either, to rate growing timber to the relief of the poor, and, therefore, the same principle as had always applied to it ought to be applied to it now. From what he knew on the subject, he thought it would be very difficult to lay down any possible principle which could govern this tax. Besides, it would be exceedingly difficult to define what was taxable timber, or to say what was for ornament and what was for shelter. There were places where the cutting down of trees would render the land utterly valueless. If, for instance, the timber were removed from places on the coast of Norfolk, the soil would be absolutely blown away. There were, moreover, insuperable legal difficulties in the proposed mode of assessing the tax. Great injustice would be done by this clause, and discouragement shown to those gentlemen who now took a pride in improving their estates and ornamenting the country, by planting timber.

Amendment proposed, to leave out from the word "outgoings" to the end of the clause.

The CHANCELLOR OF THE EXCHEQUER said, he was glad that the right hon. Gentleman had made this Motion, because it fairly raised a question which ought to be considered by the Committee. The right hon. Gentleman had said that there would be difficulties in levying the tax on timber, and that great injustice would be done. He (the Chancellor of the Exchequer) agreed that there would be a great deal of difficulty, and also considerable injustice, if the tax were levied with rigour; but he ventured to predict that the injustice would be done, if at all, to the Exchequer. Although at this moment the bulk of the real property of the country was not subject to the legacy duty, yet a great part of it was; and all estates that came under the operation of the duty had had their timber valued and taxed. But it was never heard that injustice had been done in such cases; and the truth was, that the tax on the timber was very little more than nominal. In this he founded his opinion upon the practice which had hitherto prevailed in the present valuation of timber, in which he was not aware that it had ever been found that injustice had ever been done to individuals. But the question was not at the present moment what particular provisions the Committee should adopt as to the valuation of timber. That was a matter open to debate, and he was perfectly ready to receive suggestions upon that subject; but the right hon. Gentleman's broad proposition was, that timber ought to be exempted altogether from the operation of this tax. Now, he (the Chancellor of the Exchequer) did not mean to say that it was vital to the financial efficiency of this measure that timber should be taxed, for he had already stated that only a very small sum would be derived from it; but this was more a question of principle than anything else. The Committee were not now considering whether the tax should be levied upon timber planted as an ornament or a shelter to land, and in which it might be essential to its letting value, nor how far growing timber should be subject to the tax. They were not now considering any point of detail whatever. The question before them was—should they strike out of the Bill timber altogether? Without exaggerating the importance of the question, he would call upon the Committee not to allow this to be struck out of the Bill. It would be better to insert such provisions as might be thought necessary to prevent any abuse of the law as to the liability of timber to the tax. It must be remembered that, however uncertain timber might have been in former times, considered as a marketable commodity, it had, of late years, become a commercial commodity to a very great extent. There were many cases in which timber was just as good a portion of an estate as any other portion whatever; and, both in England and in Scotland, he knew of cases in which it had become, to a great extent, a marketable commodity, having a regular mercantile value. This being the case, he did not think it would be wise, or consistent with the impartiality which ought to be preserved in this tax, to exclude timber from the operation of the Bill. There were no "peculiar burdens" upon timber, being at the same time a valuable commodity; and the question, therefore, was—would the Committee determine to create an exception in favour of that description of property, and that alone, in a measure which purported to equalise the burdens in regard to all descriptions of property? He was quite of opinion that they ought not to be harsh in levying the tax as regarded timber; but the Committee would, he hoped, give a negative to the proposition of the right hon. Gentleman to exclude timber altogether from the operation of this Bill.

MR. THOMAS ACLAND said, he agreed with the right hon. Gentleman in thinking that if all property, real or personal, was to be taxed, he did not know what exemption any man had a right to claim in respect to timber. On that ground, therefore, he was not prepared to support the Amendment; but he was not much better pleased with the mode in which his right hon. Friend (the Chancellor of the Exchequer) proposed to assess the tax upon timber, than his right hon. Friend near him (Sir J. Trollope. The system proposed would be one full of inconveniences, both to those who paid the tax and those who levied it, and it would also entail considerable injustice. When he sold his timber, he was willing to pay his proportion of the tax; but he was not willing to pay beforehand, when, in order to ascertain the value of the timber, he was exposed to so many difficulties. All these would be avoided if an assessment were made at the time of every sale of timber, and a declaration were required from the owner.

MR. AGLIONBY said, he thought it rather extraordinary that after the matter had been the subject of serious discussion, and that further consideration of the subject had been postponed, so many hon. Gentlemen who had heard nothing of the debate should come in and discuss it over again, and get up an opposition. As a deliberative body he did not think that was creditable to them. He should be glad to know whether the right hon. Gentleman the Chancellor of the Exchequer would accept the proposition of the right hon. Baronet opposite. He believed the clause as it was framed would form a serious stumblingblock in the progress of the measure. The idea of putting a succession duty upon that ornamental timber which grew in parks was repugnant to his feelings. The timber of the parks of our nobility and gentry was not only an ornament and shelter to the mansion, but an ornament to the whole of the country, and it was abhorrent from his feelings to make it the subject of a succession tax.

The CHANCELLOR OF THE EXCHEQUER said, the question had been so broadly raised, that he at first thought it best to take the sense of the Committee upon it. But, upon consultation with his hon. and learned Friend the Solicitor General, he thought that it might be some improvement to the clause if, after the words "computed value of such timber," they inserted the words "as is fit and proper to be cut." His own view was, that the tax on timber ought to be made so as to work easily, and, above all, not to involve the necessity of resorting to these expensive valuations.

MR. CUMMING BRUCE said, that an English sage, Dr. Johnson, when he visited Scotland, reproached that country with its want of timber. Scotchmen since that time had been endeavouring to remove that reproach by raising plantations; and now the right hon. Gentleman opposite had the conscience to point particularly to Scotland as a country where profit was made out of timber. The object ought to be to cover the waste lands of that country with plantations. Anything more impolitic, unstatesmanlike, and unfair, he was at a loss to imagine. He hoped the Chancellor of the Exchequer would consent to expunge the latter part of the clause.

MR. H. HERBERT said, he did not see much advantage in adding the words proposed by the Chancellor of the Exchequer. He came from a part of the country where opinions differed very much upon the question when a tree was fit to be cut. It was thought by some that an ash tree was fit to cut as soon as it was big enough to make a spade handle, and a young plantation cost more than it was worth to watch and take care of it. He feared the clause as proposed by the Government would do a great deal of harm, for if there was one thing more desirable than another, it was planting in Ireland, which was liable to the reproach that had formerly justly been thrown upon Scotland.

Lord SEYMOUR said, he did not think that the modifications just proposed by the Chancellor of the Exchequer would help the Committee very much. He also doubted whether the Amendment proposed by the right hon. Gentleman (Sir J. Trollope) would answer the purpose he had in view. If the latter part of the clause were expunged, all property yielding income would still be liable, and he was afraid that timber would come in as property yielding income. If it were intended to exempt timber, that should be done by express words.

Mr. DRUMMOND said, he was afraid that the difficulty belonged to the subject itself, and he doubted whether he could devise words that would meet the justice of the case. Generally speaking, timber was worse managed than any other description of property, and the Crown lands worse than all. He did not know what was meant by trees being fit for cutting. He had timber in his possession which had not increased an inch in thickness in thirty years. There would be the greatest difficulty in giving an estimate of the value of timber. Why were not hop-poles to be included in the valuation as timber? In many cases, if the timber were taken away, the land would be perfectly useless. If the Chancellor of the Exchequer said that all timber that was sold should pay, that would be something tangible, but on what principle could they tax the value of the land and the value of the crop together? He would rather trust to the ingenuity of the right hon. Gentleman to modify the clause.

Sir ROBERT PRICE said, he wished also to leave the matter for the consideration of the Chancellor of the Exchequer. They had always been told it was desirable to encourage the growth of timber, and now it was proposed to lay a special tax upon it. He recommended the right hon. Gentleman to see how far it was possible to modify the clause. He could not vote for doing away altogether with the duty upon timber, for in acceding to the tax upon successions—a part of the financial scheme which many hon. Members did not very much approve of—he did not see why timber should be exempted. He was, however, of opinion that the duty upon timber was a subject which required more consideration than it had as yet received; and he hoped that the Committee would not then be pressed to a division, but that the subject would meet with further consideration.

Sir JOHN TROLLOPE said, he coincided in opinion with the observations of the hon. Member for West Surrey (Mr. Drummond). He hoped that the Chancellor of the Exchequer would give way upon this point, and that there would be no necessity for dividing the Committee.

Sir JOHN SHELLEY said, he felt that if he voted for the propositions of the right hon. Baronet, he should be voting that timber should not be taxed, whereas there were many, and he himself was one, who had derived an annual income from timber and underwood, and therefore he could not conscientiously say that those who succeeded him were not bound to pay a succession duty on that as well as any other portion of the estate. It was therefore impossible for him to vote for the Amendment of the right hon. Baronet; but at the same time he felt great difficulty in voting for the clause as it stood, because injustice would be done under it in many instances. The great proportion of timber left standing on farms was as essential to the growth of stock and the thriving of crops, as the large woods raised to break the force of the wind were to the shelter of the mansion-house. To avoid any question as to the word shelter, he would suggest that the words "but standing in coppices" should be added. Wishing to see the succession duty fairly adjusted, he hoped the right hon. Gentleman the Chancellor of the Exchequer would reconsider this question, and would postpone the clauses regarding timber for the present.

The CHANCELLOR of the EXCHEQUER said, that the question upon which the Committee had to decide was not as to the particular words, or the particular manner in which timber should be taxed, but as to whether it should be taxed at all. It was too late to postpone the clause, as an Amendment had been moved. After the clause then before them had been disposed of, the form in which the tax should be imposed still remained for consideration. On that point he had already said that the proposition made by his hon. Friend (Sir T. Acland) appeared to him to be unobjectionable in principle, although the precise words by which it should be carried into effect required consideration. It was for the Committee to vote upon the question then before them as they thought fit; but he must say that he did not think that the Government would have done their duty had they not proposed to make timber liable to the succession duty. He did not think they could have vindicated the justice, equality, or fairness of their plan, if they had hesitated or shrunk for a moment from making the proposal they had done. It related to an article which in many parts of the country was as purely merchantable a commodity as anything that was brought to market; and when it was not merchantable, what was it? It was above all things the sign of wealth, of luxury, and of grandeur. ["Hear, hear!"] That was his opinion; and if he were told that the magnificent woods that stood in the great parks of this country were not a sign of wealth, of luxury, and of grandeur, he need not enter further into the discussion. Timber, then, being as he had stated, he would say, let the Committee take with respect to it what course they pleased. He did not say that the duty to be imposed on this article was either insignificant as a tax, nor, on the other hand, that it was of vital importance; but he was sure that Government would not have done their duty had they not proposed its imposition.

LORD HARRY VANE said, he could not deny that there was some justice in taxing timber when they were imposing a succession duty upon every species of property; but at the same time there were objections to the mode in which this clause dealt with the question; and he hoped that the right hon. Gentleman the Chancellor of the Exchequer would take the suggestions of the hon. Baronet (Sir T. Acland) into his serious consideration, as he (Lord H. Vane) thought they in a great measure met the justice of the case. The Chancellor of the Exchequer, in assigning as a reason for taxing timber that it was a sign of wealth, luxury, and grandeur, had gone infinitely beyond the principle of his own Bill, which proposed to exempt merely ornamental timber from taxation.

MR. VERNON SMITH said, though they adopted the Amendment of the right hon. Baronet (Sir J. Trollope), timber would, under the early part of the clause, be still subject to the duty. His right hon. Friend the Chancellor of the Exchequer admitted that the tax, if strictly levied, would be a harsh tax. He wished, therefore, that his right hon. Friend would introduce words which would ensure its being lightly dealt with. His right hon. Friend was introducing into taxation by this proposition property which was not subject to rate, and was thereby opening a new door to local taxation. They could not exempt timber, he admitted; but at the same time this tax would be one of the most difficult to be levied, and great frauds would be practised on the Exchequer. He would suggest that they should go through with the clause, and the Amendments proposed; after which it would be competent to the right hon. Baronet (Sir J. Trollope) to move that timber be altogether exempted.

SIR JOHN WALSH said, the right hon. Gentleman the Chancellor of the Exchequer had made so many admissions, and agreed to so many alterations, that it was impossible to know what the Government really intended. Did the right hon. Gentleman mean to assent to the words "fit and proper to be cut?" ["No, no!"] Then what was the position of the clause? No Amendment had been carried, so that the clause could be postponed; and it appeared to him that the postponement would be the best course to pursue.

The CHAIRMAN said, that a question had been put upon the Amendment, and that question must be put. If the Amendment were withdrawn, the clause could be postponed, otherwise it could not be.

MR. HENLEY said, the question before the Committee on the Amendment was, not whether timber should be taxed, but whether it should be taxed in the mode proposed by these clauses. He did not deny that timber should be taxed, but it was not wise to impose on taxpayers so much inconvenience and expense as the proposed method would. He asserted that it would not be possible to levy the tax as imposed by this Bill. When woods were not fit to be cut, how could they be valued? He was prepared to vote against the clause as it stood, though perfectly ready to consider the question with reference to a better and less unfair mode of raising a tax upon timber. He had known timber on a property which was now worth less than it was thirty years ago, and from which no profit had during all that time been acquired. Upon the whole he thought the proposition of the hon. Baronet the Member for North Devonshire (Sir T. Acland) the best that could be suggested.

The CHANCELLOR OF THE EXCHEQUER said, he must remind the Committee that the question on which they were going to vote was, whether they would allow certain words to stand part of the clause. In these words there was not comprised anything objectionable, if there was anything objectionable in the Government proposition. His hon. and learned Friend the Solicitor General had employed his labour during the last hour to devise a remedy, and he proposed to introduce words which he thought would give effect to the principle that had been contended for by one of his hon. Friends. He did not propose, however, that it should be the exclusive mode of proceeding, but that a person should have the option, if he thought fit, to elect to pay on the average value.

SIR THOMAS ACLAND said, there was following the words "But there shall be included," these words, "in such estimate." Now he objected to these latter words. He could not agree to any estimate, which he was persuaded would be impracticable.

The SOLICITOR GENERAL said, he was prepared to leave out the words requiring an estimate. Still the assessor ought to have an option. If, however, that were objected to, the clause might run thus:—"There shall be included, in the case of timber, the monies actually received on the sale of such timber trees only as shall be held and sold during the term of such possessor."

SIR JOHN TROLLOPE said, that these words would not meet his objection, for how were those persons to be dealt with who had only periodical and not annual sales of timber? By what machinery did the right hon. Gentleman propose to levy the tax on them? He should be willing to add a proviso to his Amendment, which would meet the objections of the noble Lord (Lord Seymour) and the right hon. Gentleman (Mr. V. Smith).

LORD JOHN RUSSELL said, it was very desirable that the Committee should know what was the nature of the question they were going to vote upon. The right hon. Gentleman (Sir J. Trollope) said it was not enough to leave out certain words, but that there should be words introduced for the purpose of excluding timber from the tax; whilst the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) understood it differently, and admitted that it might be very proper to subject timber to taxation. The right hon. Baronet proposed that timber should be excluded from the tax. Was that a reasonable proposition? The hon. Baronet the Member for Westminster (Sir J. Shelley) said that the timber as well as underwood on his property was cut down every year, and that it formed part of the annual income of the estate. Now, suppose a man with 2,000 acres, of which 1,000 was arable and pasture land, from which he derived a certain income every year, and the other 1,000 acres of underwood, from which he derived also a certain income, he could not understand why the income arising from the latter should be exempted from the tax, and the income arising from the former subject to it. If the successor came into possession of the property, he would have income from the one source as well as the other; if he sold the estate, he would receive value for the part containing the timber as well as from the rest. That was a simple case, and in that case he owned he could not see the justice of excluding timber altogether from the tax. There were other cases of infinitely more difficulty. With regard to one class of cases, he had no doubt that the proposition of his hon. Friend the Member for North Devonshire (Sir T. Acland) would be found to answer—that if there were a sale of timber, and in that case only, should the tax be paid. He could not, however, but gather from the debate which had taken place that evening, that there were other cases of more difficulty. The position of the matter reminded him of something which occurred some years ago, when he had the conduct of a Bill with respect to the commutation of tithes. On that occasion it was found that the question of tithes for hops was infinitely more complicated than all the rest of the Bill; and accordingly he agreed to have separate clauses with regard to hops, of course not taking away from the tithe-owner his property, but making special provision for the case. So with regard to this tax on timber, he thought his right hon. Friend would be obliged to have more clauses or more words in order to lay down the manner in which the tax should apply in particular cases. He could not, however, see the justice of the House coming to a decision that in no case whatever should a tax be imposed on timber; and he hoped, therefore, they would all understand that the proposition before them was, that no such tax should be levied. Then, that question being disposed of, he hoped they would have such a proposition made to them as would enable the Committee to see clearly what would be the actual effect of this tax so far as timber was concerned.

Mr. ROBERT PALMER would venture to say, that if the clause remained in its present form, there was no case in which a valuation would not take place. The successor to an estate, when called upon to make a return, would be able to form a good idea of the value of the land from the rent-roll; but the value of the timber was almost sure to be disputed by the officer employed to collect the tax, and nothing could be more obtrusive than such a valuation. The only way which he saw out of the difficulty was to exclude the clause altogether.

Sir JOHN PAKINGTON said, as the hour was late he would not enter into the main question, whether timber should be taxed, further than to say that the noble Lord (Lord John Russell) had fallen into a mistake by mixing together timber and underwood. He considered the division which was about to be taken to have reference to the latter part of the clause; and in the event of that being negatived, it would be open to his right hon. Friend (Sir J. Trollope) to move his proviso, and to the Chancellor of the Exchequer to make any proposal he pleased.

Sir JOHN SHELLEY said, the noble Lord appeared to have entirely misunderstood what fell from him. He had alluded particularly to his own case as one in which there could be no difficulty, as his successor would clearly be liable to pay duty for the timber; but he also put the case of those who had an annual sale, and remarked that timber standing in the middle of grass lands was part and parcel of the farm. As regarded the question whether timber should be liable to the tax or not, he had no hesitation in saying that he should vote in the affirmative, because he held that what produced income ought to be taxed. Believing that the difficulty could be got over, he should propose hereafter to make timber standing in woods liable to the tax, and to exempt other timber.

Question put, "That the words 'but there shall be included, &c.' stand part of the Clause."

The Committee *divided*:—Ayes 150; Noes 153: Majority 3.

Sir JOHN TROLLOPE then proposed the following proviso to the clause:—

"Provided always, that the value of any timber growing or standing on the said lands should not be included in the said estimate."

Mr. MULLINGS said, he thought that they could not go into the question to-night; he therefore moved that the Charman report progress.

Lord JOHN RUSSELL said, he thought that as the Committee had been discussing the point all night, it ought not to adjourn without coming to some real decision. The proposition now made by the right hon. Baronet (Sir J. Trollope) was a very fair and distinct one; and if that was agreed to, then there would be an end of the question as regarded whether the tax was to be imposed on timber. On the other hand, if that proposition should not be acceded to by the Committee, then progress would properly be reported, and it would remain for the Government—it might be by means of the Resolution of the hon. Baronet (Sir J. Shelley)—to arrange the manner in which it might be necessary to alter the plan of the tax.

Sir JOHN PAKINGTON said, he conceived, as there was already in reference to the present clause one proposition before the Committee, as another was given notice of by the hon. Baronet opposite, and as in all probability the Government would suggest a proposition of their own, the Chairman had better report progress, and before the next sitting of the Committee the various propositions should be printed on the notice paper.

The CHANCELLOR of the EXCHEQUER said, that the last vote had placed the Government in this difficulty—that they could not make a proposal as to plan until they knew the general view of the Committee as to principle. It had been distinctly stated by numbers of those who had subsequently voted for the right hon. Baronet's (Sir J. Trollope's) Amendment, that it was not their intention to vote against a tax on timber, but that their intention was merely confined to a partial condemnation of the plan of the tax; and, that being so, this fruit ought at least to be reaped from the prolonged discussion—that it should be known what was the view of the Committee on the principle. If the proposition now made by the right hon. Baronet was agreed to, then the Government would know that the meaning of the Committee was to put a negative on the tax on timber. If the Committee rejected this proviso, the Government would know what form to give to the proposition. Certainly if progress was now reported, the whole evening would have been lost.

Mr. HENLEY said, that this proviso would leave its supporters in exactly the same position that they were before. It provided that timber should not be here included.

Mr. AGLIONBY said, that in the late division he had both spoken and voted against his party. Hon. Gentlemen opposite might think they had achieved a party triumph; but the vote had been obtained by the assistance of those who sat on his (Mr. Aglionby's) side of the House. Not being concerned with either party, he desired no party triumph. He denied that several of those who voted with the hon. Baronet voted against the tax on timber. For himself he approved of a tax on timber, but not of the plan proposed by the Government. He would suggest to the noble Lord to withdraw the clause, and quietly consider what words he should substitute in lieu of the present ones. If the right hon. Baronet (Sir J. Trollope), however, should press his Amendment, he should vote against it; but if, on the contrary, an Amendment was produced which defined the timber to be taxed under the Bill to be that only which produced profit, it should most certainly receive his support.

Mr. MULLINGS said, he would beg the Committee only to consider the position of trustees and executors, who would be obliged under the provisions of this Bill to have an account kept open of all the timber cut from time to time.

Lord JOHN RUSSELL said, the drift of his hon. Friend's (Mr. Aglionby's) statement was, that they ought that night to come to some decision. Well, the right hon. Gentleman opposite stated as fairly as possible that his object was to prevent timber being liable at all under this tax; but his hon. Friend's vote was given with a totally opposite intention. Now, what he would submit to the Committee to decide was, not whether the tax should apply to this or that particular description of timber, but whether timber should be included at all under its operation. All he wanted the Committee to decide then was, whether timber was to be taxed.

Mr. NAPIER said, he must confess that his difficulties would be very much cleared away if he saw the question of the practicability of taxing timber at all distinctly determined. He had understood that the hon. and learned Solicitor General had been considering this very clause, and he (Mr. Napier) must own he was very anxious to see the plan produced by so eminent a hand. For himself, he would tell the Committee at once that he was utterly unable to come to anything like a satisfactory conclusion as to whether it was possible to tax timber or not. Stock in trade, for instance, was exempt from poor-rates, because it was impracticable to tax it; and he believed timber must be dealt with in a similar manner; but if they could show him how to tax it, he was prepared to do so. He believed, therefore, that the question was one to be settled by calm and deliberate consideration, and not to be determined by slippery majorities.

Sir JOHN SHELLEY said, he agreed that the question at present before the Committee was, whether timber ought to be taxed or not. He believed, however, that the only proper course was his Amendment, namely, to make a difference between ornamental timber and timber capable of being turned to a mercantile account.

Sir JOHN PAKINGTON said, he thought that the noble Lord (Lord J. Russell) had forgotten the circumstances under which the proviso of his right hon. Friend (Sir J. Trollope) was proposed. His right hon. Friend had suggested, that if the latter part of this clause were omitted that timber would remain to be taxed without specification as to how it was to be levied; and in order to get over that difficulty, and not to induce the Committee to come to a decision not to tax timber, he introduced his words. Now, he (Sir J. Pakington) would submit to the Committee that they could not come to a decision whether timber was to be taxed or not, unless they had before them the specific proposition, or manner according to which it was to be taxed. The measure was the measure of the Government, and they were responsible to the Committee for its details.

Motion made, and Question put, "That the Chairman report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 119; Noes 157: Majority 38.

Mr. FREWEN said, that at such an hour (ten minutes to one) the Government ought to consent to report progress.

The Earl of MARCH said, he hoped that upon a question like this, involving interests of the gravest importance, and upon which there was great difference of opinion, the noble Lord would not refuse to allow the Chairman to leave the chair. He should move that the Chairman do now leave the chair.

Mr. LABOUCHERE said, he thought

the fairest way was, for the right hon. Baronet to withdraw his Motion, and to leave the field clear for the Government to bring forward any proposal which they might have to make.

Sir JOHN TROLLOPE said, he had moved the addition of the proviso simply to make his proposition clear; but as the Government had agreed to take the whole subject into consideration, it was but fair to give them time for consideration; and he should, therefore, accede to the suggestion of the right hon. Gentleman to withdraw the Amendment.

Mr. COBDEN said, that much had been said on behalf of those who were the owners of timber; but he wished to say one word on behalf of those who were not so fortunate. He could not for the life of him ascertain what mysterious cause was operating to remove timber out of that category in which every other description of property, real and personal, was to be found. He wanted to caution the Chancellor of the Exchequer from attempting to conciliate his opponents by any kind of compromise; and he thought the course pursued by hon. Gentlemen opposite showed that nothing was to be gained by that kind of policy. He went further than to say that copse wood and forest wood ought to be taxed, for he saw no reason why ornamental timber should not be taxed. No arguments applied to the exemption of ornamental timber, which did not apply to other objects of luxury. Why was ornamental timber kept, but for the purpose of luxury and enjoyment? Did not the possession of a park add as much to the dignity and importance of the owner as the possession of a mansion? And if hon. Gentlemen advocated the remission in the case of ornamental timber, why not in the case of pictures and the plateau on their sideboards? He would lay down this proposition, that anything which could be brought into the Encumbered Estates Court and sold, was fairly liable to taxation under this Bill. He might be told that ornamental timber was not an article of merchandise. Why was it kept and not cut for sale, but because the proprietor preferred to enjoy the ornament and luxury, rather than convert it to purposes of utility by selling it? It argued great wealth for any one to be able to keep so large an amount for luxury and enjoyment. Having agreed that everything else should be taxed, was it desirable to make a stand on this article of timber? They were fewer in number who possessed parks and timber than any other class; and they would be isolating themselves more in making a stand against taxing timber, than if they claimed exemption for their equipages, their plate, or their diamonds. He heard it said it affected entailed property; but they forgot that the Chancellor of the Exchequer had already dealt very leniently with entailed property by allowing four and a half years to pay the duty. He asked hon. Gentlemen to bear in mind that the provision to prevent the owners from parting with land was a provision calculated to sustain the feudal principle in this country. ["Oh, oh!"] Most certainly it was a provision to sustain the feudal principle, and whilst that principle was embodied in this Bill, in every other country in the world the tendency of legislation was to force the sale of landed property, and compel its subdivision. Therefore, he asserted that, when they found a spirit manifested so peculiarly favourable to entailed property in this country, it was unwise to raise discussion on this topic, and by fastening on the miserable article of timber, to revive the whole question of protection to the landed interest, and agitation between town and country. He hoped the Chancellor of the Exchequer would take his stand on the Bill as it was; and he might depend upon it, if he wished his supporters to fight his battle for him, and to be there late at night and early in the morning to meet the attacks of hon. Gentlemen opposite, they would not then desert him, but would no doubt carry him triumphantly through the contest in which he was engaged.

Mr. AGLIONBY said, that every word which the hon. Member (Mr. Cobden) had spoken had been as much against the clause as it stood, as against the Amendment of the right hon. Baronet. What he would now suggest to the Chancellor of the Exchequer was, that he should come down on the next occasion with a definite proposition, that would raise the whole question, that every class of timber, whether ornamental or mercantile, should be subject to taxation.

Lord JOHN RUSSELL said, he rose for the purpose of ascertaining the exact position in which the Government now stood with regard to this question. The right hon. Gentleman (Sir J. Trollope) would have brought the matter to a clear issue in the Motion which he had now withdrawn. His meaning in withdrawing that

Motion he understood to be, that his (Lord J. Russell's) right hon. Friend the Chancellor of the Exchequer might bring forward any Motion on the subject which the Committee would be ready to consider, he having withdrawn his Motion for the total exclusion of timber from taxation. ["No, no!"] If that were not the understanding, he must ask the Committee to decide upon the question, whether the proposition should be withdrawn or not, as, otherwise, it would be impossible to understand how they stood with regard to this question.

SIR JOHN PAKINGTON said, he was sorry that the noble Lord should have so completely misapprehended his right hon. Friend. It was still the intention of his right hon. Friend to bring forward the proviso unless the Government should in the meantime bring forward some plan that would prove acceptable to the Committee; and he did not think that the noble Lord was acting fairly by his right hon. Friend in refusing him leave to withdraw his proviso, which his right hon. Friend had first moved in accordance with the suggestion of a right hon. Gentlemen opposite.

House resumed; Committee report progress.

EDINBURGH AND CANONGATE ANNUITY TAX ABOLITION BILL.

Order for Committee read.

House in Committee.

The LORD ADVOCATE said, in proposing a Resolution to enable him to bring in a Bill with regard to it, he must explain that the object of the measure was to settle a most vexatious question regarding the payment of the Edinburgh clergy. Whether rightly or wrongly, the fact was that agitation and irritation with regard to the collection of this tax had long prevailed to an extent that was most injurious not only to the peace but to the best interests of the Church and religion in Edinburgh. Without going generally into the provisions of the Bill, he thought it would be enough to say that he did not propose to pay the money out of the Consolidated Fund, but merely that the city of Edinburgh should make certain payments into the Exchequer, and that corresponding payments should be made out of the Consolidated Fund.

MR. COWAN said, that nobody would rejoice more than he should if the expectations of the right hon. and learned Lord should be fulfilled by the passing of the Bill which he was about to introduce; but, at the same time, he could not help expressing his surprise at the mystery which the promoters of the Bill had kept up with regard to it, for, although he was one of the representatives of Edinburgh, it was not until within the last few days that the parties had thought fit to communicate their intentions to him. He wished to know whether the right hon. and learned Lord intended to make any statement to the House in explanation of the provisions of the Bill?

The LORD ADVOCATE said, that it would not be necessary to make any such statement till the second reading. He also wished to remark that the Government were quite open to receive any suggestions for the improvement of the Bill.

MR. APSLEY PELLATT said, he wanted to know whether this was not a church rate transferred to the Imperial Treasury?

The LORD ADVOCATE said, that this annuity tax was a charge imposed upon the occupiers of houses within certain districts of the city of Edinburgh. The amount of the tax was about 6 per cent, and it had given rise to a great deal of bad feeling. It was proposed by the Bill he wished to introduce to apply certain ecclesiastical revenues in the hands of the Crown, which were now employed in maintaining sinecure offices called Deaneries of the Chapel Royal, to the payment of this tax; but until that could be done a rate of 1 per cent (as we understood) would be charged upon the inhabitants of Edinburgh. Eventually, however, the ministers of the city of Edinburgh who received aid from this tax would obtain their stipends, not from the occupiers who now paid the amount, but from the Consolidated Fund, and the charge upon that fund would be made up from the source he had mentioned.

Resolved—

> "That it is expedient to amend the Acts relating to the City of Edinburgh and Parish of Canongate Annuity Tax, and of providing for the payment by the City of Edinburgh of certain sums into the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the Stipends of the Ministers of the said City and Parish, and for the payment of the said Stipends out of the said Consolidated Fund."

Resolution to be reported on *Wednesday.*

House resumed.

SOAP DUTIES BILL.

Order for Committee read.

House in Committee.

Mr. J. WILSON said, he had to propose a material alteration in these duties, which it was necessary that the public should be made aware of. It was proposed that the excise duties upon soap should determine on the 5th of July. In consequence of a question the other night, it appeared that an extensive arrangement was being made for the purpose of exporting soap under the drawback prior to the 5th of July, in order to reimport it after the 5th of July free of duty. The Government had no wish to interfere with the legitimate right on the part of the manufacturer up to the 5th of July to export any quantity of soap he pleased, provided it was intended for foreign consumption, and not intended to be reimported into this country. The Government had two plans before them to effect this object—in respect to one of which it was competent for them to ask the House to pass a Resolution at once to suspend the remainder of the period during which the drawback would be given on soap. But on the whole they thought it better not to interfere with the privilege of the old stocks for the drawback for the legitimate right of the export trade. The only other plan was to postpone the reduction of the duty for such period of time as was not likely to induce those operations to which he had referred. Therefore, in regard to foreign soap, the Government proposed to enact that foreign soap duties should take effect from and after the 5th of July, 1854; also in regard to the importation of soap from Ireland, they also proposed that the privilege of importing soap duty free from Ireland should take effect after the same date. If the Government found that there was no considerable quantity of soap under drawback, it would be quite competent to the House to amend these propositions.

Mr. APSLEY PELLATT said, the soap trade complained that they had not been allowed a drawback upon their stocks, as had been done in previous remissions of duties; but as the Government had decided against that, he thought the course mentioned by the hon. Gentleman was the best that could be taken.

Resolution *agreed to.*

House resumed.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, June 21, 1853.

Minutes.] Public Bills.—1ª Colonial Bishops Act Extension; Public Works Loan.

2ª Income Tax; Incumbered Estates (Ireland) Act Continuance.

LAW OF REAL PROPERTY.

Lord LYNDHURST wished to call the attention of the noble and learned Lord on the woolsack to a passage in the report of the Commissioners appointed to consider the subject of the Registration of Assurances and transfer of real property, in which they said that a mere measure of registration would not remove the difficulty arising from the complexity of our interests in land, and the subtleties of law which embarrassed instead of protecting them—and expressed an opinion that these inconveniences could only be done away with by the simplification of the law of real property, having reference to the system of registration which might be adopted. He had read this passage for the purpose of introducing a question he wished to put to his noble and learned Friend—whether he had in preparation or in contemplation any measure directed to the object? It was one of the most important objects connected with the amendment of the law. Most extensive interests were dependent upon it. He had lately held communication with many gentlemen of high eminence in the profession of the law on the other side of the Atlantic, and particularly with gentlemen connected with the State of Massachusetts. In the State of Massachusetts, the law of real property was in substance the same as in this country; but there had been a system of registration for 200 years, and the result had been that transfers of landed property were effected without difficulty and with small expense. He did not mean to say that, in the situation of this country, it was possible to expect to be able to simplify our proceedings to such an extent, but we might make advances towards it; and he trusted that his noble and learned Friend the Lord Chancellor would follow up his Bill for the registration of assurances by some measure calculated to improve the law of real property—a subject of the more importance at the present period, seeing that a Bill to impose duties on succession to landed property was at present before Parliament.

The LORD CHANCELLOR said, he was perfectly aware that the Commissioners who had recommended registration had coupled it with the statement to which his noble and learned Friend had alluded, and in which he himself entirely concurred. He had always been of opinion that a system of registration was the foundation certainly, but only the foundation, for any real improvement in the method of the transfer of real property. That had always been his opinion, and he was happy to have it confirmed by that of the learned Commissioners to whom he had alluded. But when his noble and learned Friend asked him if he had any such plan in progress or preparation, he was bound to tell him that he had no such plan—and for several reasons. In the first place, as was remarked in their Report itself, admitting all the objections that existed against the present system, until it should be known what our system of registration was to be, it was exceedingly difficult to say what the amendment of the law ought to be or could be. He believed that when a system of registration had been long in operation very little amendment would be necessary; for nine-tenths of the difficulties experienced originated from never being able to tell what the title was to the property which was to be transferred. Any system of registration must be of incalculable advantage, and it did not at all surprise him that the system which had been in operation in Massachusetts ever since the colony was planted, should have borne good fruits, and that in that State the transfer of property should be as easy as could well be imagined. He was not sanguine enough to suppose that with the complicated settlements we had in this country, the transfer of landed property could be as much simplified as it had been in America, but that it could be immensely simplified there was no reason to doubt. He had only to say that the moment the Bill now before the other House was passed, he should give his anxious attention to the improvement of the laws concerning real property, and he felt very confident that great improvements in them might be made.

Lord LYNDHURST observed that this question had been twofold—whether any measure of the kind he described was in preparation, or, if not prepared, in contemplation? The answer returned by his noble and learned Friend under the latter head was entirely satisfactory.

The LORD CHANCELLOR might be allowed to say that, though there was no measure in actual preparation, he had had numerous conversations with many learned persons, in order to ascertain what might be done on the subject; but he did not like without further ground than this to say than any measure was in contemplation.

Lord BROUGHAM was exceedingly glad that his noble and learned Friend above him should have put this question, and also that he should have received so satisfactory an answer from his noble and learned Friend on the woolsack—that was, as satisfactory as in the present stage of the question they could well expect. The remark made by both his noble and learned Friends was perfectly correct—that a mere registry would not cure the defects in our system of the transfer of landed property. The mere registration was only a part—a most necessary part no doubt—of that improvement of the law; but, if they were to stop there, unquestionably they would do only half, or less than half, their duty in that respect.

INCOME TAX BILL.

Order of the Day for the Second Reading read.

The Earl of ABERDEEN: My Lords, in moving the Second Reading of the Income Tax Bill, I may be permitted to place before your Lordships a general view of the objects entertained by Her Majesty's Government in making this proposition, and to point out the advantages which they expect the country to receive from its adoption. At the first formation of the Government, I stated to your Lordships that there would speedily be experienced great financial difficulties, or rather a financial crisis, by the failure of a large portion of our revenue, in consequence of the early cessation of the income tax; and I added that it would severely try the ingenuity and ability of the person who was in the position to be called upon to repair that breach. My Lords, the income tax having expired in the month of April, it became necessary for Her Majesty's Government to consider what course it was expedient to pursue. I believe it would have been found impossible to allow the income tax to expire without renewal, as it would have been impossible to find a substitute for that tax. The surplus at our disposal was insufficient to enable us to take this course, and the taxes necessary for the purpose of supplying the deficiency occasioned by the loss of the income tax would have been so onerous, so oppressive, so unequal, that they would in fact have created more dissatisfaction, and have been more unpalatable to the people than the income tax itself. We therefore had no hesitation in deciding upon renewing the income tax. But then the question arose, in what manner, for what period, and with what modifications, should this be attempted. My Lords, it must be admitted that there is something in the nature of the income tax itself, notwithstanding the immense and incalculable advantages we have derived from it both in war and peace—there is something in its nature which is open to radical objections. There is no doubt but its inquisitorial nature is highly irksome and objectionable, and cannot be separated from it. It allows also the principle of self-assessment, which affords facilities, not to say encouragement, to fraud, very much to the loss of the revenue, and to the injury of morality:—that also is an objection which cannot be removed. It must also be admitted, that for some time past, and especially recently, a growing feeling has existed that the tax itself is unequal and unjust, from the mode in which it is imposed. It has been felt that to tax trades and professions the same as land—that to tax precarious incomes in the same manner as realised incomes, is in itself unjust; and this feeling has gradually extended so as to embrace the whole body of popular opinion, and it is demanded in every quarter, both by public men and in the press, that some change should take place by varying the rate of taxation according to the different sources of income—a principle, also, which received additional weight from having been adopted by Her Majesty's late Government, who announced, by their organ in the House of Commons, their intention to adopt it, although without explaining any special mode of carrying out this system—which, not explaining or announcing, they probably had not clearly in view. But, my Lords, I think, notwithstanding the prevalence of this conviction to which I have referred, and for which, I must admit, there is much foundation, my right hon. Friend the Chancellor of the Exchequer so dealt with that notion in the speech with which he introduced his financial measures, that he absolutely silenced all opposition to his plan, which he proved to be the only one capable of being put into operation. I do not recollect, in the whole course of my life, any instance in which the triumph of reason over strong conviction was more signally displayed than by my right hon. Friend. I do not say that he proved that the mode of assessing the tax adopted is just and equal; but he proved that any other mode is impossible, and that any attempt at another mode would be attended with still greater inequality and injustice. Now, my Lords, what is the inference to be drawn from this? What is the result to which we have come in consequence? Not that the income tax should not be renewed, but that it should not form any permanent portion of our financial system; and that, in renewing it, we should take care to secure means by which it should be extinguished in a given time—by which, in fact, I may say, it should expire of itself. My Lords, with this view we resolved upon the renewal of the tax. But to give the public confidence as to its cessation was most desirable. I fear that, from what we have seen—from what has already taken place—that if we had proposed to renew it for two or three years, with the declaration and intention that it should then expire—I fear that neither Parliament nor the country would have entertained much confidence in the cessation of the tax; and therefore it became necessary to give a proof of the sincerity of the Government in the manner in which they proposed the renewal of the tax, and to provide means which should obviously, at the given period, enable you, if you thought fit, to get rid of it without sacrifice and without loss. We therefore propose, my Lords, to re-enact it for two years more at the present rate of 7*d.* in the pound; for two years further at the rate of 6*d.* in the pound; and for three additional years at the rate of 5*d.* in the pound—by which arrangement the tax will terminate in the year 1860; and at that period we shall have provided a substitute for the tax, without any additional burden or sacrifice whatever. My Lords, I will not attempt, of course, to predict what may happen in the course of seven years; the events that are yet in the womb of time are beyond our foresight, and we can only form our plans according to the circumstances which may be anticipated in the ordinary course of affairs. I think, however, that in the descending rates of the tax we have given an intimation, a pledge, an evidence, of our sincere desire for the gradual reduction of the impost; and I shall state in a few moments the mode in which at the period I have mentioned we shall have provided for its total extinction. Now, my Lords, in renewing the tax, we also propose to make large remissions of taxation, in such modes as shall be most beneficial to the trade and commerce of the people, and shall add most to their comfort and prosperity. In this we shall follow the policy and the example of the late Sir Robert Peel, from which the country has already derived such inestimable advantage, and from which, I trust, that it will derive still more. As the estimated surplus of the year amounts to no greater sum than 800,000*l.*, of course, to effect this object other sources must be sought, and I shall state to the House, in a few moments, how they are to be obtained. In the first place, we propose certain extensions of the income tax itself. It appears, I think, but reasonable that incomes below 150*l.* should be charged with the tax. The possessors of incomes between 100*l.* and 150*l.* have derived great advantage from the remissions of taxation which took place in 1842 and 1845, and from the measures which have been adopted in consequence of the existence of an income tax; they will also derive great advantage from the remissions of taxation now about to be made; and it seems but reasonable, therefore, that they should be prepared to share in the burden of the income tax, which is now about to be modified. However, it is intended that incomes from 100*l.* to 150*l.* shall only be taxed at the rate of 5*d.* in the pound, so that incomes of 150*l.* will pay 7*d.* for the first two years, 6*d.* for the next two years; whilst both they, and incomes down to 100*l.* will pay 5*d.* for the remaining period of three years. The sum estimated to be obtained from this extension of the tax is 250,000*l.* Then, my Lords, comes the extension of the income tax to Ireland. Now, my Lords, in principle it cannot be denied that there is no doubt that Ireland ought to be equally taxed with England. This principle was acknowledged by Sir Robert Peel in 1842, when he imposed the income tax, by the compensatory tax he proposed for Ireland —a duty on spirits of 1*s.* a gallon, and an increased stamp duty. It is true that the spirit duty was very speedily repealed, and some time afterwards a very large proportion of the stamp duty was also remitted. But the principle of equal taxation cannot possibly be controverted; and it is proposed now to extend the income tax to Ireland—a measure by which it is expected that 450,000*l.* will be obtained. This principle is, indeed, so just and obvious that I doubt very much whether the representatives of this part of the United Kingdom would have consented to the renewal of the tax at all without the extension that is proposed. But although Ireland has received the same advantage as the other parts of the kingdom have derived from the imposition of the income tax on England in 1842, and the measures of general relief passed in consequence, still the situation of that country, no doubt, requires consideration, and calls for large and liberal dealing. Although the distress under which that country has laboured with such severity has been mitigated, and indeed has ceased, still the effects of the calamity of 1847 remain to be alleviated and removed; and in imposing the income tax, it has been thought wise and just to make a great remission of the burdens now imposed upon Ireland. My Lords, the consolidated annuities represent a capital of 4,500,000*l.*, 1,500,000*l.* of which may be said strictly to belong to the establishment for the relief of the poor; but the other 3,000,000*l.* are more or less connected with the land. Now, my Lords, the Committee of your Lordships' House which sat upon this subject, I believe, recommended the remission of 2,000,000*l.* of these consolidated annuities; but it is the intention of Her Majesty's Government to propose the remission of the whole. This, my Lords, may be considered a boon which, I think, may fairly compensate for the imposition of the income tax, inasmuch as a large portion of those annuities, the capital of which represents an annual charge of 245,000*l.*—three-fourths of them, I believe—would endure for forty years, whereas the income tax will expire in seven years. The condition of Ireland, of course, varies in different parts of the country, and, therefore, those remissions of burdens, however desirable, and however fair on the whole, operate unequally in different parts. There is no reason, perhaps, why Belfast should not pay an income tax just as well as Glasgow or Liverpool; whilst, on the other hand, the western provinces are utterly unable to discharge their existing obligations. But although the remission may be more welcome and more sensibly felt in one part of the country than another, still the remission of the whole amount appeared to be the most just and equitable mode of proceeding. I will now state to your Lordships the whole remission of taxation which it is intended to make, by means of which a permanent income will be secured, and from which we anticipate the extinction of the income tax. From 1853 to 1860, the period at which the income tax will expire, the remission will take place, and the gross loss to the revenue in the present year, arising from this remission, will be 165,000*l.* I will state the amount for the whole period, in order that persons may be enabled to contrast the income tax as it will exist at the end of this period, with the amount of permanent taxation we shall have realised in order to extinguish it. The remission of the soap duties will be 1,126,000*l.*; stamp duties, 420,000*l.*; assessed taxes, 290,000*l.*; post horses, 54,000*l.*: reduction of colonial postage, 40,000*l.* Then, as regards the Customs —tea duties, 3,000,000*l.*; minor duties, 123,000*l.*; and from other sources, 262,000*l.* In short, we calculate that the whole amount of remitted taxation during this period will amount to 5,315,000*l.* Now we calculate, according to the example of former experience, that this amount of remitted taxation, large as it is, will recover itself in the course of this period of seven years, just as the remissions of taxation in 1844 and 1845 have had that effect; and taking the same average as we have already experienced during the period since 1842, we have arrived at the same result. The present income tax amounts to 5,550,000*l.*, and the additions now proposed being 590,000*l.*—making a total of 6,140,000*l.* The new permanent sources of revenue to meet the extinction of that tax will be, a legacy duty producing 2,000,000*l.*, spirit duties 436,000*l.*, licences 113,00*l.*; making a total of 2,549,000*l.* There will be an anticipated reduction of charge on the 3¼ per cents, the result of the operation of Mr. Goulburn's measure, amounting to 624,000*l.* The average annual diminution of charge, according to that which has taken place during the last three years, will amount in seven years to 640,000*l.* In the year 1860 will fall in the Long Annuities, being 1,292,000*l.*, with other annuities amounting to 854,000*l.*, making 2,146,000*l.* So that the whole of the reductions of charge, and the permanent sources of income which I have mentioned, will amount together to 5,959,000*l.*, making an amount within 180,000*l.* of the now existing income tax; so that, if the Legislature should think proper, the income tax may be dispensed with without any charge or sacrifice. Now, my Lords, I must say that this appears to me to be a solid system of finance. It has already been received with great acceptation by the country, and has met with very general approval. I believe it to be a system under which—coupled as it is with great relief to the mass of the people, and persevering, as it does, with that system of free trade which has been so wisely adopted, and if we should be fortunate enough to preserve the inestimable blessings of peace which we have experienced for the last forty years—I believe it to be a system under which this country will see times of happiness and prosperity such as have not before been witnessed. My Lords, I beg to move the second reading of this Bill.

Moved — "That the Bill be now read 2ª."

The EARL of DERBY: My Lords, I do not rise for the purpose of opposing the second reading of this Bill, because I am quite aware that the state of the finances of the country as just explained by the noble Earl is not such as would enable the present or any other Government to dispense with that large sum of money which is brought to the Treasury through the medium of this most objectionable tax. But I must say that the speech of the noble Earl appears to me, from first to last, to be a contradiction throughout of the premises he lays down, and the conclusions at which he arrives. I cannot help observing, further, that some of the noble Earl's calculations are so vague that it is absolutely impossible to reckon with any degree of certainty upon what may be the state of affairs in 1860. The noble Earl began by stating all the objections that have been urged to the income tax; the noble Earl admitted that it was unjust and inquisitorial in its character; and, following out the calculations and arguments which have been used in another place by the right hon. Gentleman the Chancellor of the Exchequer, he said this is a tax peculiarly suited to a time of war, and ought as far as possible to be retained for the emergency of war. The Chancellor of the Exchequer has further said, that it is a weapon which ought not to be held in our hands, but should be hung up within reach against the wall, ready to be brought to our aid in case of emergency. Having, however, established the entire unfitness of the tax as a source of ordinary revenue, the noble Earl then proceeds to come to the conclusion, that, not in a time of war, but for the general service of the country in a time of profound peace, upon the arguments put forward by the noble Earl and his Colleagues, we should continue the tax for a period more than double the period for which it had been asked by any preceding Administration. It was stated in the first instance by Sir Robert Peel, when he introduced this system of taxation, that he calculated it would be required for three, or at most five, years, and that then it might be dispensed with; but as each succeeding Government found the period for which it was to endure coming to a close, every Government found itself, in consequence of the reductions of taxation made in the interim, in the position which rendered it absolutely necessary to ask for a continuance of the same tax for a further limited period, notwithstanding all the objections to which they admitted it to be open. But the difference between the proposals of all former Governments and this is, that, whereas they asked it to be renewed for a limited period in consequence of the actual state of the revenue, the noble Earl and his Colleagues ask for it in order to carry still further those principles of taxation on which the noble Earl pronounced so warm a eulogy. But, after having come to the conclusion, that, notwithstanding the objectionable nature of the tax, and its inquisitorial character altogether, it was still necessary to continue it for a longer period than ever it had been asked for on any former occasion, the noble Earl next proceeds to discuss the character and partiality and anomalies of the details of the tax; he tells you that it is inquisitorial and objectionable in its details; that it is impossible to deny that between various classes of the community it acts with gross and grievous injustice; and the consequence, I naturally thought, would be, that the noble Earl, in proposing the tax for so lengthened a period, would, at all events, do all in his power to remove that injustice and those inequalities to which he acknowledges it to be obnoxious. The noble Earl tells you it was the intention of the late Government to make certain modifications which he admits to have been equitable in principle; he did not allude to that description of property which is most favoured in the imposition of the income tax—namely, the funded and monied property of the country, where there are no deductions, where the income is permanent and without any drawbacks; but he alluded to the intention of the former Government to make a distinction—which he admitted to be a just and equitable distinction in principle—in the amount of the tax paid by realised and precarious incomes. He says he did not know in what manner the late Government intended to carry their measure into effect, or what were the details of their plan, and he concluded that those plans were not matured. The noble Earl will forgive me if I remind him that he has come to a hasty conclusion, inasmuch as the late Government had not the opportunity of bringing forward its Budget in detail, and nothing more was brought before Parliament than the general statement of the outlines of their general policy. The most important part of the policy of the Government was rejected; and, consequently, my right hon. Friend who was at that time Chancellor of the Exchequer never had the opportunity of explaining the manner in which he proposed to carry into effect the proposition of which the noble Earl acknowledges the justice, but, at the same time, he says he is not prepared to carry it into effect. The noble Earl takes credit for the financial ability and skill, and what may be called the strong conviction, which characterised the speech of the right hon. Gentleman the Chancellor of the Exchequer in bringing forward and supporting the proposition for maintaining the income tax with all its acknowledged injustice; and attributes the success attending the passage of the Income Tax Bill through the other House of Parliament to his powerful reasons even against the convictions and the facts of the right hon. Gentleman; but he forgot to recite among the prime inducements which might have obtained the acquiescence of the other House, that at the same time the Chancellor of the Exchequer undoubtedly deprived certain classes of the advantages they might have expected from the equalisation of the pressure of the income tax, by establishing a distinction between fixed and precarious incomes, he threw out, at the same time, a great boon to all those classes by the imposition of a new and most oppressive tax in the shape of a succession tax upon a description of property that has hitherto been exempt from it. Now, I have a very great respect for the power and great ability in debate and the arguments of the right hon. Gentleman the Chancellor of the Exchequer; but I venture to retain my own opinion strongly that the success of the income tax in its present amended form is not to be attributed to any power in the arguments of the right hon. Gentleman, but is owing to the counter attraction and the advantage of having a very heavy tax thrown upon real property. The noble Earl having established that the income tax is inquisitorial and improper—having next assumed, and, indeed, I may say proved, that the manner of its assessment is grossly unjust and partial—having come to the conclusion that it is right to continue that injustice and that partiality, proceeds to take credit to Her Majesty's Government for not making it a portion of the permanent revenue of the country. Now, so far from indicating any intention of relieving the country from the pressure of this tax, the Government actually ask for a continuance of it for more than double the period asked by any former Administration. It is true they do hold out a prospect, although a little clouded by various hints and insinuations (and certainly no man can tell what the state of the country may be at the end of seven years, or even seven months, or seven weeks)—they take credit for having provided for the remission of this tax at the end of seven years. Now, I wish I could believe what the noble Earl wishes the House to believe, that there will be any disposition—or indeed any power—on the part of the Parliament to give up the income tax at the expiration of seven years. I should have been more disposed to give the noble Earl and his Colleagues credit for really intending to act on the principles which they profess, of doing away with the income tax at the end of seven years, if they had begun earlier, or had proposed a more rapid diminution of the tax. But the fact is, that the Chancellor of the Exchequer proposes to retain the tax at the full amount for a period of two years—he then continues diminishing it by a penny for a period of two years more. At the expiration of that time he takes off *2d.* out of the *7d.*, and it then remains unaltered till the expiration of the seven years. At that period, all at once—it being admitted that it is impossible to get rid of the *7d.*—he believes that at the expiration of seven years, Parliament will consent to get rid of the tax of *5d.*—that is, requiring a surplus of between 4,000,000*l.* and 5,000,000*l.* sterling to enable them to do so. If the Government had proposed to reduce the tax by one penny each year for the period of seven years, I should have thought that would carry with it the evidence of the sincerity of the Government, inasmuch as the reduction then would operate so gradually that it would probably have been within the limits of the ordinary surplus revenue of each year; whereas *5d.* was manifestly beyond the extent of any probable surplus that would arise at that time. The noble Earl takes credit for saying that at the expiration of seven years there will be a sufficient surplus in the Exchequer to enable them to get rid of the tax. He enumerates some additional items, which I am quite prepared to give him credit for—namely, the conversion of the 3 per cents, consequent upon Mr. Goulburn's arrangement, and the falling in of the long annuities in 1860, which would give a considerable portion of the anticipated surplus. But, in order to make out this, first of all he takes the income tax to amount to 5,800,000*l.*; he then shows that there will be, by the reduction he calculates upon, as a matter of course, in the charge for the interest of the debt, and these other reductions—that there will be, in point of fact, a saving equal to the 5,800,000*l.* which he is to lose by the remission of the income tax. But in order to establish this surplus he is obliged to go further, and to assume that the gradual reduction of the income tax will not only be recovered by the additional income derived from the extension of the tax to smaller incomes, but that the effect of the reduction of taxation generally would have been so great that the whole amount of the 5,800,000*l.* will be made good to the revenue. No doubt there will be an increase in the revenue, and an increase in the consumption of the necessaries of life, arising from the reduction of taxation in many branches. But observe, that the whole question which he assumes, and the whole basis of the calculations on which he expects to get rid of the income tax at the end of seven years, is, that the amount of the increase should be so great as in itself to have restored the whole amount lost by those reductions, and bring back the revenue to its original amount notwithstanding those reductions. My Lords, that is the merest speculation, the merest chance, on which it is absolutely impossible to form the slightest opinion or found the slightest calculation, which may be affected by a hundred different circumstances, and on which it is impossible to build the smallest possible *data* for calculation; and yet it is upon the accuracy of that calculation he depends, and it is upon the responsibility of it he rests, for the possibility of meeting the deficiency in the revenue occasioned by the remission of an income tax of 5,500,000*l.* at the end of seven years. I shall now call your Lordships' attention to a few points in the argument of the noble Earl, which it appears, to me defeats itself, and to another upon which he has made a miscalculation, which when pointed out I am sure the noble Earl will himself admit. He says, calculating the revenue he will derive from the income tax, that its present amount is 5,500,000*l.*—that he will have an additional sum of 250,000*l.* arising from the extension of the tax to incomes below 150*l.*—that its extension to Ireland will produce 400,000*l.* more, this being the additional sum arising from its extension to classes who have not been hitherto subject to it. But he has forgotten that before the end of that period the tax will be reduced to 5*d.*, and consequently the amount of the tax will be so much less. [The Earl of ABERDEEN was understood to dissent.] I may not be able to follow out the whole of the noble Earl's financial statement; but it cannot be contended that the present produce of the income tax at 7*d.* is to be equalled by its future amount. Surely there is some mistake here affecting two-sevenths of the noble Earl's calculation—upon which calculation rests the present prospect of getting rid of the income tax at the end of seven years. I shall not enter into any further details; but if it is to be a permanent tax, which I am confident it will be, I do not dispute the theoretical justice of charging Ireland with her share of the income tax; but I cannot help thinking that, considering the calamities that Ireland has recently gone through, it would have been better to postpone it till the property of that country is better able to pay than it is at the present moment; but if it is to be a temporary tax, I hardly think it worth while to undertake the inconvenience of subjecting Ireland to it. I cannot, I repeat, object to the landed property of Ireland being taxed if it is to be a permanent one; but when the noble Earl, on the other hand, tells us that there will be a remission of 4,000,000*l.* of the capital of the consolidated annuities, that appears to me the oddest species of compensation for the imposition of an income tax that can possibly be imagined. Because certain districts are so heavily burdened that it is impossible for them to bear it, the noble Earl says, I will relieve them of a burden which it is impossible for them to bear, and that it is be taken as a compensation for a new burden on other parts of the country and other districts and individuals who have never before been subjected to the operation of this tax—it is like compensating one man for what he loses by taking something out of another man's pocket. The proposed measure may be a compensation to one class of indviduals; but it appears to me that it will be hard to show how the setting off of one class against another can be a compensation to both. My Lords, I have only one word more to say, and that is, as to the probable discontinuance of the income tax. The noble Earl takes great credit for following the system introduced by the late Sir Robert Peel, and the advantages derived from the constant reduction of duties and remission of taxation. But do you not observe that he thereby destroys his whole case? For although it may be true, as the noble Earl assumes, that, at the end of seven years this country may have recovered the revenue they are now sacrificing, and the income they are now giving up, provided no new deductions take place: if, during the course of these seven years, you are to go on reducing taxation, and making further remissions, yet, if you go on as fast as it recovers, taking off fresh taxes, and using up the surplus as fast as you make it, in order to carry out the principles of free trade—and that I have no doubt will be the case, with the present feeling of the country and of Parliament, and the noble Earl has himself declared his intention to pursue that course by the successive reductions of taxation—the effect will be to negative all his previous arguments, which rest upon the assumption that the remission of taxation will be recovered by the country. If the noble Earl goes on making fresh reductions, it is quite clear that, instead of having 5,500,000*l.*, there will not be a shilling more in the Exchequer, whether the country be prosperous or not, and that you will not have the available surplus you calculate upon. I do not now enter into the question as to whether the country is likely to be then in a more prosperous condition or not. All I say is, that if you go on as the Government say they intend to do, you will not have available the 5,000,000*l.* of surplus which they calculated upon to enable you to get rid of the income tax.

I must say, I believe that there will be a perpetual reduction of taxes going on so long as there is any surplus to dispose of. I do not believe that Parliament will submit—more especially after the encouragement that has been given to a perpetual reduction of taxation—I do not believe that Parliament will submit for the next seven years to see a surplus accumulating which would amount to the whole surplus of 5,500,000*l.* per annum, without being disposed to avail themselves of it, in order to bring the revenue and expenditure nearer together; consequently, they will defeat the object which the Government have in view of remitting the income tax at the end of seven years. I submit to the income tax, because I believe it to inevitable. Your Lordships are aware that you have no power of modifying or dealing with the details of a measure of this kind. I am not prepared to ask your Lordships to refuse altogether to do what may be necessary to maintain the credit of the country. I am not deluded by the suggestions on the part of the Government that it is intended to be merely a temporary tax, or to credit the evidence they have given of the sincerity of their determination to get rid of it within a limited period. I believe there must be, and that there will be, continual renewals of the tax, and that we must submit to it now with all its inequalities and all its injustice—that we must submit to a tax, nominally for seven years, but of which neither the noble Lord nor I shall ever see the end.

LORD PORTMAN said, it might seem presumptuous in him to rise to address their Lordships immediately after the noble Earl the leader of a great party in this country; and it might also seem unnecessary that he should address them at all, considering that their Lordships had no power of making any alteration in Bills of this description; but he felt that he should not be doing the duty which he owed to the noble Lords who placed him in the chair of the Committee appointed by that House to consider the question of parochial assessments, if he did not call the attention of their Lordships to a clause in the present Bill, which was directly opposed to the unanimous recommendation of that Committee, and which seemed to him to be the insertion of the narrow end of the wedge, which at no distant period, he feared, would make a large fissure in the Exchequer. He alluded to that clause of the Bill which, for the first time in legislation, acknowledged the principle that the profits, fees, and emoluments of the clergy were to be admitted as fit subjects of any allowance leading to a reduction of taxation, so far as concerned those charges which were incurred wholly and exclusively in the performance of clerical duties. He must say, that when he saw the charities of the country subjected to this tax, he did not think it quite wise to make this uncalled-for concession to the clergy. He knew one great hospital in this town, the revenue of which would be reduced by the imposition of the tax on successions to the extent of excluding no fewer than 250 patients a year; and when he saw that, and compared it with this concession to the clergy, he did think it was a matter which ought to be more fully explained than it had yet been before it became law; and the more so, because no mention of this matter had been made in Parliament by the promoters of the clause. He wished the House to look to the evidence given before the Committee on Parochial Assessments by Professor Jones, who thought that the utmost fair concession to the tithe-owner was the amount of the salary of the curate. Mr. Meadows White said that tithes were given for the purposes of the duty of the officer, and added, that an obligation to discharge the spiritual duties was the purchase price of the tithes. The Committee advised the House that no special deductions should be made for tithes, to which all other property is not entitled. The new view taken in this Income Tax Bill is full of danger to the Church. He begged to observe, also, that he thought they were extending too widely the basis of direct taxation. They all knew that indirect taxation was less felt than direct taxation, and hence was always paid more willingly. It had been stated that persons would be induced to bear this tax because some of its inequalities would be remedied by another direct tax which was now before the other House of Parliament. He doubted, however, the value of the arrangement, and would remind their Lordships, that as the total taxation on the income of the nation was about 33 per cent, and that direct taxation bore to indirect taxation the proportion of 5 to 7, it was unwise to add to the direct taxes. The indirect charges on direct taxes fell heavily on individuals; the indirect charges on indirect taxes fell on the nation, which was better able to bear the burden. He believed that a reaction must soon come in the public opinion on this subject, for the one was paid by constraint, and of necessity, with ready money; while the other was paid by consent, and on credit. The income tax and local taxes must be paid on the day of demand. The taxes on tobacco and beer no one knew when he paid. He begged to remind them that when they talked of dealing with land, it must be divided into two divisions—that of land held under settlement, and land held in fee; land for life, where there was a life interest only, and land which a man might spend as he spent his money. He admitted that a great boon would be given by the arrangement in the Succession Duty Bill to land in fee. There could be no doubt about that; but, as regarded life interest, there would be no boon whatever. The concession was, that the lands should be valued as an annuity. As regarded land in fee it was a boon; but as regarded settled estates it was no boon, for by the present law, if land was left as a legacy by will for a life interest, it was valued just as Consols were valued—on the value of the life; and so both real and personal estates were on an equal footing; but, unless the clause was altered, land would pay one year's purchase higher than Consols would pay, as the tables of 1796 and of 1853 differed to that extent. The burden on an estate for life would be very heavy, as the tenant for life must borrow to pay the tax, and so begin with a debt, while the owner in fee could sell enough to pay the tax, or, by a *boná fide* gift to his successor during his life, could avert the tax; therefore, although a boon was given to lands held in fee, a heavy burden was laid on the holder of life interest. But who were the chief owners in fee? The commercial and monied men who had lately bought land, and who, in truth, were the great gainers by all the modern changes of taxation. This new tax was not quite understood. It was called 1, 3, or 10 per cent; but it was much more. Take a life of forty on the date of succession, and look to the table in the schedule, where it was shown that the son will pay on each 100*l.* per annum, called 1 per cent, 14*l.*; the brother, called 3 per cent, would pay 42*l.*; the stranger in blood, called 10 per cent, would pay 140*l.*; besides all the costs of valuation necessary to enable him to make a true return. From this last indirect expense Consols would be exempt, and therefore real estate was still unduly to be burdened. If, then, the Income Tax Bill, and the Bill which was to remedy the inconvenience of that measure, were to be made the foundation for the Parochial Assessments Bill next Session, he warned their Lordships that they would afford no sufficient excuse for continuing to exempt from parochial assessment that property which hitherto had contributed nothing towards it.

LORD BERNERS said, he considered the income tax as one of the most inquisitorial, unjust, and oppressive imposts that had ever been known in this country. Its inequalities were acknowledged even by the Chancellor of the Exchequer himself, and yet no attempt had been made to remove them. He, for one, was ready to bear his fair share in the taxation of the country; but he objected to this Bill, because, while it professed to impose an equal tax of 7*d.* in the pound upon all descriptions of property, it really imposed a tax of 9*d.* in the pound upon land—a description of property which was already more heavily burdened than it should be. Again, the succession tax, which it was said would remove the inequalities of the income tax, could be considered in no other light than a land tax. It was plain, therefore, that the landed interests had not justice done them in the financial arrangements of the present Government. Another objection he had to the income tax was, that, while tradesmen and others were assessed upon their net income, the owners and occupiers of land, on the contrary, were assessed upon their gross income. He found that the incidence of the income tax of 1803 was less offensive in this respect, inasmuch as it allowed certain necessary deductions to be made from the gross income of landowners and farmers, which were altogether omitted in the present Act. By 43 *Geo.* III., c. 122, these deductions were on account of land tax paid, public drainage rate, or fencing and repairs, 5 per cent if chargeable in Schedule B—2 per cent otherwise, also for tenths, procuratures, &c. He would extend the allowances made by the thirty-seventh section to the above payments, to expenses of drainage, of insurance, average repairs of buildings, and to all such outlays as the owner may covenant to make, to maintain the present value of the premises. He found the Act of 1803 imposed a penalty on surveyors for making vexatious surcharges: this was also omitted. He also complained of the mode in which the Commissioners for assessing the tax were appointed. He would allow all justices of peace, duly qualified, to act as Commissioners, as in the case of the land tax; but his chief objection was to the injustice inflicted upon the landed interest; and he maintained that if that injustice was removed, the tax would be rendered more satisfactory, and more acceptable to the country.

Lord BROUGHAM said, there were many great anomalies and inconsistencies in this tax beyond those which the noble Lord (Lord Berners) had pointed out. Take, for example, the case of money invested in improvements, or in trade, with the view of being replaced by profits in the future, but not immediately. Suppose that 10,000*l.* were invested either in the improvement of land, or in trade or manufactures. The most prudent man so investing never looked forward to obtaining any return from it for the first two or three years. Well, but how was that dealt with? The instant it began to yield income, it was pounced upon by the Income Tax Comsioners, and taxed, just as if it were ordinary income. But this, in point of fact, amounted, not to a tax upon income, but to a tax upon capital; because when the party invested his 10,000*l.* he did it with the expectation that the profits which would accrue at a distant period would compensate him for having received no profit at all during the first two or three years, and would ultimately replace his capital with a profit. To take those profits, then, as the measure of taxation, was taxing, not the income, but the very capital. He stated this as one of many objections; but to it, as well as to many of those difficulties and objections which had been pointed out by the noble Lord, and by others, there was one observation applicable, which was, that it was inevitable, and that no modification which could be made in the tax could ever relieve it from that objection—could ever get over that difficulty—could ever remove that injustice or inconsistency. There were other objections which arose from the very nature of the tax itself. For example, it pressed heavily upon one species of income, and unjustly, as it was said. He did not call it unjust. He called it unequal and inexpedient that it should be so apportioned; but he did not call it unjust, and there were reasons why it should not be called unjust. An income arising from fee-simple property was dealt with precisely in the same way as income arising from settled property. The income of a tenant in fee was taken exactly as the income of a tenant for life. That was a hardship. He did not see that it was impossible, as in some other cases, by any modification, to get rid of that anomaly; but the difficulty was extreme. Again, there was another case. Income arising from property of any sort, whether land or personalty, was dealt with exactly in the same way as income which was the fruit of labour; so that a person working as hard as he could in order to support himself, to maintain his family, and to lay up a certain provision for old age, or the day of sickness, was taxed exactly in the same way, to a penny, on his income so gained, as the person who derived his income either from landed possessions, or from capital invested in trade, or the funds. This was another inequality, no doubt, which, however, might be lessened. Nevertheless, the difficulties of arranging this, when they came to be examined, had been found to be, he was going to say, insuperable. Certainly they were all but insuperable, and that it was which had made his Friend, the late Lord Melbourne, say in 1842, that he was quite aware of the great hardship of the tax; that he was quite aware of its pressure upon every class; but that that, in his view, constituted its great recommendation, because no property escaped, and everybody was compelled to pay. The answer to that, however, was obvious. "True, everybody is compelled to pay; but might they not be compelled to pay in different proportions, so as to relieve them, to a certain degree, from the pressure, and to lessen the inequality of the tax?" Still, all those who had dealt with this subject, both in former times and more recently, had found that the nearer one examined it, the more evident it became, that partly from the difficulty of finding a due and just scale, and partly from the great and inevitable risk of evasions, it was impossible so to construct the tax so as to meet these objections. These were not the only difficulties and objections. There was one which could be remedied by no modification whatever, and that was the inquisitorial nature of the tax. Inquisitorial as to the possessors of landed estates it really might be said not to be, because it was perfectly immaterial to the landowner what publication was made of the amount of his income in a given parish, inasmuch as it was perfectly well known to all the inhabitants of that parish. His burdens, probably, were less known, but even those, perhaps, were generally guessed at. The injury to him, therefore, was exceedingly trifling compared with the injury to other persons. How was it with those who were engaged in trade, and, perhaps, in that moderate amount of speculation which was essential to trade, and which was of a perfectly justifiable nature? The disclosures made by the inquisition of this tax might be not merely most prejudicial, but almost fatal, to the credit and prospects of a person engaged in business. Then, with respect to professional incomes. He did not say that such inquisition and disclosures were so prejudicial to the professional man as to persons deriving their income from profits in trade; but still it was annoying, galling, and distressing to him to find the amount of his income disclosed; and, although, no doubt, generally speaking, the Commissioners appointed under the Act had a due regard to the importance of secrecy, yet it had been more or less found that by degrees the truth, and sometimes what was not the truth, but the merest guesses and facies, oozed out, and became the subject of exceedingly vexatious discussions and criticism. Independently of the disclosure which was one evil, the mere inquisition was a great evil. To call on a man to disclose his private affairs, even where this wás not attended with damage to his interests, was vexatious in a very high degree. This was an evil inherent in the tax, and which no modification of the tax could remedy: if they wanted to tax a man's income they must first get at it, and he did not see how that could be better done than under the present system. For these various reasons, an income tax was a tax which he had always regarded with the greatest dislike, and which he had done his best, in former years, to oppose. It was now thirty-seven years since, by an accidental majority of thirty-seven votes, he had the satisfaction of putting an end to the tax in the other House, aided by a noble Friend of his not now in his place, who fought with him against the tax for the whole six weeks of the contest—a contest in the course of which, he would venture to say, not one argument was adduced in favour of the tax which bore investigation for one single moment without being completely disposed of. In 1842, and again in 1851, moved by the various objections to the tax, which he had already stated, he moved a series of resolutions on the subject, in which he contended that the income tax could not safely, and ought not in justice, to be imposed, except under peculiar circumstances—except as wedded to war, except as the inevitability of some severe financial pressure which could not otherwise be obviated. On the former occasion his illustrious Friend, now, unhappily, no more, the noble Duke, then sitting on the Ministerial bench, and his noble Friend Lord Ripon, then President of the Board of Trade, said not one word, either of them, in favour of the tax itself, or against the principle of the string of resolutions which he moved in opposition to the tax, except precisely on the ground of the necessity of the tax as a temporary provision to meet an extraordinary pressure. He was, to a certain extent, relieved at the assurance that his noble Friend the noble Earl (the Earl of Aberdeen) regarded this continuance of the tax as only a temporary continuance for a certain limited period, thus bringing the measure now moved within the scope of that of 1842, which was declaredly a measure only justified by necessity, and to be continued only so long as the necessity should exist. He was afraid that his own chance of benefiting by the announced discontinuance of the tax in 1860 was by several years smaller than that of his noble Friend, supposing the tax then to cease; but his distinct impression was that neither those living at the end of the current seven years, nor those living at the end of the next following seven years, would see the end of this, to him, execrable tax. He by no means indulged in the sanguine expectations of his noble Friend on the subject. That peace was now about to be disturbed, God forbid that he or any one should have reason to apprehend; though that war was not to be apprehended before the next seven years should have elapsed, who could venture to say? An income tax unjustified by absolute State exigency appeared to him worse than any other tax—save a tax on the food of the people—save a tax on the knowledge of the people—save a tax on law for the people; and with this conviction he should be, on principle, quite as ready now as before, to propose the resolutions which he proposed in relation to the Income Tax Bill of 1842; but, accepting the statement of the Government as to the necessity of the measure, he would offer to it no further opposition than the expression of his opinion on the principle of the tax.

The MARQUESS of CLANRICARDE said, that as one of those who opposed the introduction of this tax by the late Sir Robert Peel in 1842, he must beg to say that he had never ceased to feel the objections which he then stated to the principle. He should not offer any direct opposition to the proposal of the Government; he only wished he could regard it as of so limited a duration as that indicated by his noble Friend; but his opinion was, that when 1860 came, the Chancellor of the Exchequer of that day, be he who he might, would find himself in no position to discontinue the impost now proposed to be continued. Moreover, he considered it an extremely dangerous tax, inasmuch as it might enable a strong Government to encourage extravagance; while, on the other hand, it might be taken advantage of by a powerful and unscrupulous Opposition to deprive the Government of an indispensable branch of revenue. It was dangerous, also, because it partook of the nature of graduated direct taxation, which, despite the principles which the right hon. framer of the measure had so eloquently enunciated, he had, nevertheless, introduced into this measure, which, while it, as was admitted, practically taxed the landed interest 9*d.* in the pound, taxed another interest 7*d.*, and another 5*d.* He did not object to the principle of the extension of the tax to Ireland, but he did object to the mode in which it was proposed to be levied and collected in that country. It was proposed by the Bill to collect the tax from the landlord before he had received one shilling of the rent on which his payment should be based, and this he thought most objectionable. He did not wish to subject the country to the inconvenience that might arise from the alteration of this Bill, and the sending of it back to the other House, but he thought it might be practicable for the Government to introduce another Bill remedying this and other injustices. If, however, this was to last for seven years, he, for one, should never cease in his opposition to it. Another point to which he wished to allude was, that he did not see that any provision was made for the consideration of the repayment of that part of the income which went to pay the rentcharges in Ireland. He thought the noble Earl should not have left those provisions of the Bill, which were entirely new provisions, without explanation or remark; and, as regarded Ireland, he considered it very unwise and very unjust to have laid this tax upon that country at a time like the present; for there never was a moment when there was more reason to give further inducements there to the outlay of capital and to improvement, and thus to give strength to the springs of her nascent prosperity. There was still great pressure, and he thought that it would therefore have been right to postpone it at least for another year. As to the ground on which the tax was so extended to Ireland, it had no basis in reason, justice, or practically in fact; instead of, at least, proceeding on the principle that the taxation of Ireland and England should be assimilated, the framers of the measure held it out as a bargain with Ireland—as a commutation, upon very favourable terms to Ireland, for those consolidated annuities, the real nature of which had been so well exposed before their Lordships' Committee. It was unfair to represent the whole of those consolidated annuities as a debt due from Ireland, when, in point of fact, it had been shown that a large portion of them could not only not be recovered, but were not in justice demandable. The real statement of the case, then, was, that the Government called upon Ireland to pay upwards of 400,000*l.* a year, in order to be relieved from the payment of little more than 200,000*l.* a year, which was the utmost extent which she ought to be required to pay in respect of the consolidated annuities.

The MARQUESS of LANSDOWNE said, that the continuance of the tax, at the end of the seven years, must entirely depend, of course, on the decision of the then existing Legislature; but he begged, most emphatically, to deny, on his own part, and, he might add, on the part of the Government, that in proposing the present continuance of the tax for the term specified, they had any contemplation of its extending beyond that period. It would be wholly opposed to the opinions which he had ever declared, were he to sanction this tax as a portion of the permanent taxation of the country. He should be the most inconsistent of human beings were he now to support any such theory. He had uniformly opposed the tax, as a permanent tax, not only upon his own judgment, but upon the confirmatory judgment of Sir Robert Peel, of Lord Grenville, of Lord Grey, of nearly all the most eminent statesmen of the last twenty years; and he was glad to avail himself of the present opportunity to state, that in no degree had he changed his opinion on this point. The noble Lord opposite had assumed that, by introducing the date of seven years into the Bill, the Government had taken a course different from any former Government, as implying that the tax would be engrafted on the financial system of the country. Now, the ground upon which the date was introduced, was precisely the reverse. It was done on the assumption, which he contended was a just one, that, while permitting the continuing of the tax for such a period, in the meantime they were providing the means of getting rid of the tax altogether. The sole ground upon which that duration of time was justified, was, that they were in a position of things upon which they could rely with confidence, and which justified their expectation that, at the end of seven years, it would be in their power to put an end to the tax. They had the satisfaction of finding that the diminution of certain imposts which checked trade and cramped the resources of the country had had the effect of extending that trade and increasing those resources; thereby furnishing the country with the prospective means of adding to the revenue, and putting it into the power of Parliament to extinguish this tax. What could the Government do, but put it into the power of a future Parliament to get rid of the tax? They could not tie up the hands of future Parliaments or future Governments. If they had abolished the tax, it might have been revived by a future Government; but that which the present Government could do was to recognise the expediency and practicability of getting rid of the tax—and that was what he contended this Bill did. It contained in itself the elements of gradual diminution, showing an intention on the part of the Government that the tax should be extinguished. He did not know whether, in his peculiar position, he was to consider himself in office or out of office; but in one capacity or another, he might state his belief, that those who lived to see 1860 would see an end to this tax, provided Parliament at that time was so disposed; and that was all that, under the circumstances, the Government could engage for, and all that their Lordships could seek to obtain. In all that had been said against this tax as a permanent tax, he entirely agreed; he thought it was to the greatest degree objectionable—a tax upon improvements—but, above all, objectionable by being inquisitorial, and by being inquisitorial not merely upon the purses but upon the feelings of those who paid it. That alone made it a matter of great consideration to get rid of the tax. Another objection was, the essential indispensable inequalities which were connected with the tax—inequalities which every Minister and Parliament desired to get rid of, but which no Minister had been able to do; which would be intolerable if the tax was permanent, and which were only tolerable because it was temporary. Upon these grounds he recognised the necessity of adopting the renewal of a tax in the shape in which it was proposed, extending it only for a limited period, and providing for its gradual extinction as it approached the period of its termination in 1860, which he trusted many of their Lordships would live to see. He could not but say that his noble Friend had hardly fairly stated the bargain between this country and Ireland upon this subject, when he said the consolidated annuities ought to have been got rid of altogether, on grounds entirely distinct from the extension of this tax to Ireland. [The Marquess of CLANRICARDE made an observation.] If his noble Friend did not mean that, a great part of his argument fell to the ground, because, although he agreed with his noble Friend that it was not consistent—he would not say with the justice, but with the mercy of Parliament—to require the repayment of the whole of those moneys, yet it was a moment for enabling the Government to do that which no Government could have done unless they had accompanied it by the income tax, namely, to sweep away the whole of the consolidated annuities altogether, and efface every vestige of a series of complicated demands, which had been a dead weight upon that part of the Empire, and had tended more than anything else in many districts to check its progress. He thought that the arrangement was advantageous to Ireland, and that in extending this tax to Ireland, not only were they doing that which was right, but were doing it in a manner to make it bear fairly upon the property of the country. He believed, as he had stated, that the tax would be got rid of at the end of the period mentioned in the Bill. He admitted that the tax was one which it was desirable should be reserved for times of war; but he believed that it was justified by its probable results at present, and that whenever war did come, then this tax would be found a powerful giant ready to be enlisted in the service of the country, appropriated to the great object of military defence, and placing its finance, and with its finance its military power, foremost among the nations of the world, and enabling this country to maintain the proudest position a country could occupy.

The EARL of WICKLOW said, it was not his intention to offer the slighest opposition

sition to the proposal that the tax should be extended to Ireland, for he confessed that he did not think the generally impoverished condition of that country could be put forward as a reason why persons possessed of a certain amount of property there should not be subject to a charge imposed on persons possessing the same amount of property in this country. He should further say that he thought it was an exceedingly judicious plan on the part of the Government to have taken the opportunity afforded by the imposition of that tax to remit the consolidated annuities. In his opinion, of all taxes that could be imposed on Ireland, the income tax was the least objectionable; and he should have considered that Ireland ought to have been subject to her fair proportion of taxation, whether that odious tax, the consolidated annuities, had or had not been withdrawn. He, however, saw some difficulties as to the mode of assessment, and these he wished removed. The noble Earl would, perhaps, inform them at this stage what system was to be adopted, and whether it would be that of England or of Scotland. He would not ask the noble Earl to give an answer at the present moment, but he hoped his attention would be directed to the question when the Bill went into Committee. It was very true, it might be said, that the other mode of assessment was adopted in Scotland; but the object of Irishmen was to resemble, not the Scotch but the English mode of assessment, and to enjoy the principles of English law. There was a vast difference in the mode of assessing the tax in England and in Scotland; and as there was always a vast amount of rent in arrear in Ireland, he felt convinced that, if the Scotch mode of assessment were adopted, the loss it would entail upon the landed proprietors in Ireland would be more than they were able to bear.

Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

ENCUMBERED ESTATES (IRELAND) ACT CONTINUANCE BILL.

The LORD CHANCELLOR, in moving the Second Reading of this Bill, said, their Lordships were aware that the original measure passed the House of Parliament in 1849, and was appointed to continue for three years. Its object was to enable persons having encumbrances on estates, or the owners of encumbered estates, to apply to a Court thereby constituted, entitled the Encumbered Estates Court, and upon such application the Commissioners proceeded to sell such estates, disposed of the money obtained by the sale in a summary way, and gave to the purchaser what was called a Parliamentary title. The Act remained in force till the end of July last year, when another Act was passed, continuing the Court for one year more. He now proposed the second reading of a Bill which was intended to continue that Court for four years longer, but applications for sales to be made within two years. When his attention was first called to this subject, he felt that it was hardly consistent with good legislation that this Court should continue side by side with the Court of Chancery, to whose proper functions the duties of this exceptional Court seemed properly to appertain. He had communicated with the Lord Chancellor of Ireland on the subject, who quite concurred with him, as did the other Members of the Government, that it was extremely important that the functions of the Encumbered Estates Court should ultimately be transferred to the Court of Chancery in Ireland, and be made part of the ordinary business of that Court; but before that could be done, it was essential that the Court of Chancery in Ireland should be reformed in the same way as the Court of Chancery in England, by the discharge of the Masters in Chancery from the duties they had been wont to discharge, and leaving them to be executed by the Judges themselves, thus making Chancery proceedings in the two countries as nearly alike as possible. But until that was done, it would not be consistent with the interests of the Irish public that any alteration should be made in the constitution of the Encumbered Estates Court; and therefore it was considered that the best course would be, still further to continue the Court for a limited time, and with that view he asked their Lordships to concur in the present Bill. The Bill contained a number of new clauses, which had been suggested by the Commissioners—men of great learning—and it was impossible to conceive that the functions of the Court could have been discharged more efficiently than they had been by them; and they had found, in the course of their experience, several defects in the existing Act, which it was found desirable to remove. For instance, in the original Act the Commissioners had only power to sell leases of sixty years and upwards: it was now proposed to enable them to sell leases of any length of time. At present they could not sell an estate unless the incumbrance amounted to a given proportion of the rent: it was now proposed to allow them to sell irrespective of the amount of the incumbrance. Then their Lordships were aware that an Act passed some time ago to give the holder of a perpetual lease the fee-simple of the land, but at the same time securing to the owner what interest he might have in the land. When these leases came into Court to be sold, the conversion could only take place through the Court of Chancery: it was now proposed to give the Encumbered Estates Court the power of making the conversion at the time of selling the lease. There were a number of other alterations of a technical nature, into which he would not enter; he might only mention that one great inconvenience had been felt, in consequence of the building where the Commissions met being situated about a mile from the other Courts of Law: that inconvenience the Government now proposed to remedy. He would move the second reading of the Bill.

LORD MONTEAGLE said, he had always been a warm supporter of the principle of this Bill. He thought such a measure to be necessary, on account of the peculiar circumstances of Ireland; but he went further still, for he saw no reason why the principle on which the Court was founded should not be permanently interwoven with their legal system. Cheap and expeditious justice and the creation of a clear Parliamentary title were not luxuries to be confined exclusively to the owners of Irish Encumbered Estates. He rejoiced, however, that the present Bill had been introduced, for he knew that many persons — apprehensive that the Bill was not about to be renewed—were forcing on sales of property, that they might have the advantage of this Court before its extinction. He was also glad to hear that his noble and learned Friend not only introduced this Bill, but that he promised Ireland a large measure of Chancery reform, such as had lately been given to England. But what he chiefly wished to call their Lordships' attention to was the desirableness of getting rid of the limited application implied in the title of the Bill, and applying its principles to all estates, whether they were encumbered or not. It had originally been recommended to them as a measure for the relief of encumbered estates; but its practical operation was at present to inflict a severe penalty upon the owners of estates that were not encumbered. Suppose an encumbered estate, and one that was free from debt, were both to be sold, the owner of the free estate would find that he offered it for sale at a grievous disadvantage, because he would not be able to convey a title so clear and satisfactory as the simple Parliamentary title created for the encumbered estate—an advantage which gave a considerably increased value to the latter. The owner of the free estate could not go into the Encumbered Estates Court, for the single reason that his estate was not encumbered; he must, therefore, submit to the operose and expensive process of the Court of Chancery, instead of getting a speedy judgment and sale in the Encumbered Estates Court. He thought, therefore, that the present state of the law operated as a great disadvantage to persons whose estates were free from encumbrance. What was the principle of the Act? It was to give speedy justice and a secure title. He wanted to know what reason there was why these benefits should not be given to landowners who were free from debt, as well as to those who were encumbered? He remembered when the Bill was first introduced, he suggested the propriety of giving to the purchasers of these estates a simple and clear title by Act of Parliament; and by a short and simple conveyance set out in the Statute. His proposition was not entertained, and on high legal authority, that of the Chief Justice (Lord Campbell), he was told that such a suggestion only showed the danger of unlearned persons meddling with the law, as such a proposal could not be carried out without violating all the principles of equity. But when the second Bill was introduced in the following year, to his astonishment and delight, he found that the very principle was introduced which the year before he was told was so dangerous. He must confess that the Encumbered Estates Court had been unpopular in Ireland, in consequence of the distress of the country having forced land into the market in great qualities and prematurely, and so depressing its price; but the same thing would have happened though no Encumbered Estates Court had been in existence—with this difference, however, that instead of the money being distributed among the owners at little expense, the greater part of it would have gone in the costs of law proceedings. He hoped, therefore, that this Bill would hereafter be interwoven with the general law of the country, that it would be made permanent, and that so useful an example would not be thrown away upon England.

Bill read 2ª, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, June 21, 1853.

MINUTES.] PUBLIC BILL. — 1° Public Libraries (Ireland).

EPISCOPAL AND CAPITULAR PROPERTY.

The MARQUESS of BLANDFORD *presented* a petition from 800 incumbents of parishes, stating that the endowments of a number of the benefices formed under the Church Building Act did not exceed 13*l.* a year, the remainder of the incomes of the incumbents being made up out of the pew rents; that upwards of 4,000 incumbents of parishes in this country were paid by incomes of less than 150*l.* a year; praying the House to take into their immediate consideration the inadequacy of the district system to meet the spiritual wants of the population; calling attention to the fact that the Church was already in possession of property sufficient to provide a remedy for these evils; and asking to be allowed to give evidence before the House respecting the matters stated in the petition. The noble Lord then proceeded to say, that in rising to move for leave to bring in a Bill to make better provision for the management of episcopal and capitular property, he would ask for the attention and indulgence of the House while he entered upon a subject wide in its range and most incalculable in its results, and which he felt himself incapable of treating as its importance deserved. In the first place, he would allude to what had been previously done upon the subject of church legislation, and he would endeavour to detail the steps upon which he had been led to make this proposition to the House—one which, he believed, was neither hazardous nor unconstitutional in its character, but which was one of those foundation stones upon which, in raising itself up to meet the exigencies of the times in which we lived, the strengthened and enlarged structure of the Established Church must be based. He would remind the House of some of those great public Acts which had placed the Established Church in its present position. First, he would notice the 58 & 59 *Geo.* III., by which the Church Building Commissioners were constituted, and 1,500,000*l.* applied for church-building purposes. Then there was the important Act the 3 & 4 *Vict.*, which reconstituted the Church Building Commissioners; and the 6 & 7 *Vict.*—commonly called Sir Robert Peel's Act—which first provided for the subdivision of parishes, and a permanent endowment for the districts so created; the Act of 1850, the 13 & 14 *Vict.* c. 94, appointing a most important body—the Estates Commissioners; and, lastly, the Act of 1851, the 14 & 15 *Vict.* c. 104, permitting the voluntary enfranchisement of the property of the Church—an Act which has gone far to terminate the injurious description of tenure by which nearly five-sixths of the revenues of the Church have been enjoyed by a large portion of the public. To all these the Bill which he now moved for leave to bring in, was more or less immediately connected. But there had been other Acts to which he should also allude, and which had had very important bearings upon the present position of the Established Church. One of those was the Act for the Commutation of Tithes; another was the Act for Preventing Pluralities and Non-residence; and then there was the important Order in Council of 1851, limiting the incomes of the bishops, and fixing them for the future. In addition to these, he must not pass over without remark the efforts of private individuals, among which he must mention especially those made by Mr. Horsman in former years. In 1847 that Gentleman drew the attention of this House to the subject of episcopal incomes. In 1848 he broached the same subject in Parliament, and moved that an Address be presented to Her Majesty for an inquiry into cathedral and collegiate churches, with a view to render them more conducive to the service of the Church, and the spiritual welfare of the people. This Motion, although not in the way Mr. Horsman intended, had been ultimately carried out. In the same year Mr. Horsman moved for an inquiry into the full value of all Church property under lease, in order to render the revenues of the Church more conducive to the religious teaching of the people. In addition to this, in the same year, 1851, this House voted an Address to Her Majesty, praying Her to be graciously pleased to take into consideration the state of spiritual destitution of England and Wales, with the view of providing means for a remedy; and Her Majesty was graciously pleased to state, in reply, that she would gladly give Her consent to well-advised measures for that object. In the following year, he (the Marquess of Blandford) was enabled to introduce a Bill, having for its object the remedying of some of the abuses existing in chapters, together with the increase, where necessary, of the episcopate, and other provisions somewhat similar to those contained in the proposed Bill. The result of that was, that the measure was withdrawn, but a Commission was appointed to inquire into the first two branches which he had proposed should be inquired into—namely, the state of chapters, and the increase, where necessary, of the episcopate; and it was the third of these branches—that connected with the property of the Church—which it was now his intention to bring before the notice of the House. All these things had, in their separate character, and in proportion to their relative importance, tended to bring the Church to its present condition; and regarding as they did its position in this country, he thought it was the bounden duty of the House so to strengthen that position—so to enlarge her structure and secure her foundation—as to make her an efficient instrument, not only to impart those truths for which she was divinely instituted, but also to enable her to maintain her time-honoured position by engaging the rational and well-placed affections of the people. Before he proceeded any further, he would advert to the question which had sometimes been mooted in that House, not only as to whether that House was a place where matters relating to the Church should receive their ultimate sanction, but whether such matters should be here discussed. In doing so, it would be necessary to inquire what were the prerogatives of that Personage under whose high authority that House held its sittings. It had always been their privilege to discuss matters relating to the Established Church, and he thought the House would not be able to resist the conclusion that to bring matters relating to that Establishment before the notice of the Legislature, was neither inconsistent with Parliamentary precedent, nor at variance with the privileges and practice of that House. He would first remind hon. Members of what were the prerogatives of that Personage under whose high authority they were sitting. By the 26 *Hen.* VIII. it was enacted—

The Marquess of Blandford

> "That the King our Sovereign Lord, his heirs, successors, Kings of this realm, shall be taken, accepted, and reputed the only supreme head on earth of the Church of England, and shall have and enjoy annexed to the Imperial Crown of this realm, as well the style and title thereof, as all honours, dignities, pre-eminences, jurisdictions, &c., to the said dignity of supreme head of the Church belonging and appertaining, and shall have power, from time to time, to visit, repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts, and enormities, whatsoever they be, which by any manner of spiritual authority or jurisdiction may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, and amended most to the pleasure of Almighty God, the increase in virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm, any usage, custom, foreign laws, foreign authority, prescription, or any other thing to the contrary notwithstanding."

It was true that this prerogative might have been abused in subsequent years, and by Parliament might have been subsequently limited; but the effect of whatever limitations were introduced had been to render the intervention of Parliament still more necessary than before in matters relating to the Established Church; and now by the Act of Union the duty of the Sovereign was—

> "To preserve and maintain inviolable the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established."

These being the prerogatives of the Crown, how had that assembly, which was convened by sovereign authority, availed itself of its privileges to discuss matter relating to the Church of this country? The beginning of the Reformation was ushered in by debates in that House on abuses in religion. In the reign of Edward VI. was an Act for the Reverend Reception of the Holy Communion. In 1552 a new Book of Common Prayer was discussed, and the

> "King, Lords temporal, and Commons, did in God's name require all archbishops, and bishops, and their ordinaries, to endeavour in the due execution of that Act as they would answer before God."

In 1553 the Bishopric of Durham was suppressed, and two new ones were created out of it. In the reign of Elizabeth an Act was passed respecting the Liturgy. In 1571 there was a debate on abuses in religion, with a Bill for reformation of the Prayer-book, and the Articles of Religion were ratified. In the reign of Charles II. a Committee was appointed—

> "To compare the Book of Common Prayer sent down from the Lords, and the book sent up from this House, and to make their report thereon with all speed they can."

In 1711, in answer to the thanks of the Lower House of Convocation, for a grant towards the building of churches, that House replied:—

> "That this House will in all matters immediately relating to religion, and the welfare of the Established Church, have a particular regard to such applications as shall at any time be made to them from the clergy in convocation assembled, according to ancient usage, together with the Parliament."

Since the closing of Convocation, it had, of course, been necessary that that House should discuss matters relating to the Establishment; but the instances he had given proved that even during the sitting of that body that House was not deterred from exercising its own inherent right, and from discussing matters relating to the Established Church. And he would add, that he thought no surer method could be adopted for depriving Parliament of that right, and for putting the Church on the same level with dissenting bodies in this country, than by so altering the constitution of the British Legislature as to render it a matter of doubt, whether consistency with Christian truth would admit of the introduction of ecclesiastical affairs into an Assembly which had parted with its distinctive Christian character. What was the position of affairs at the present moment? From the year 1818, from which period we might date the commencement of that revived interest in matters relating to the spiritual wants of this country, a variety of Acts had been passed relating to the building of churches, the subdivision of parishes, the prevention of non-residence and pluralities, and to the supplying, in a variety of ways, of the spiritual wants of this country, all which had kept one leading principle prominently in view—the strengthening and maintaining of the important machinery of the parochial system. He did not wish to ignore those two other great branches of the system—the episcopate and the chapters; but, in bringing a subject of this nature before the House, he believed that by laying great stress upon the wants of the parochial system, if he should be enabled to do anything towards the supply of those wants, he should be equally consulting the benefit of the two other great branches, which together made up the entirety of the Church, and should be also devising a posture for the property of the Church, by which it would be enabled to yield the greatest amount of benefit to succeeding generations. He proposed, in the Bill which he wished to introduce, to transfer the entire management of episcopal and capitular property into the hands of that body, or those members of the Ecclesiastical Commission who were, by a recent Act, constituted the Estates Commissioners. In stating the grounds upon which he made this proposition, he must first ask the attention of the House while he endeavoured to show what was the present position of the property, together with the incomes of the dignitaries in connexion with that body, into whose hands he proposed to transfer the management of the property; and would then endeavour to show the advantages that might be derived from the step he proposed, which, when viewed in connexion with the vast requirements of the present day, rendered it one of primary and paramount importance. It was doubted at the time whether the constitution of the Ecclesiastical Commission warranted such a step; but a Committee was appointed to inquire into the mode of managing Church property, and the result of that Committee was the appointment of the Estates Commission, consisting of three members of high character—two being appointed by the Crown, and one by the Archbishop of Canterbury; and he need scarcely add that they were gentlemen whose characters entitled them to the very highest consideration; and when they considered their very close connexion with the other members of the Ecclesiastical Commission, there was a reasonable inference that in any future appointments a due regard would be had to the feelings of those with whom they were brought into immediate action. He now came to speak with regard to the property itself. Up to 1836 the injurious nature of the tenure by which Church property was held was undisturbed. In that year a Commission was appointed to inquire into the spiritual wants of the country, and thereupon the Ecclesiastical Commission was constituted, who were to receive the surplus of episcopal, capitular, and prebendal property, and to apply it to the parochial wants of the country. The Ecclesiastical Commissioners stated in their Report—

> "They felt from the first that the possession of these estates, especially to so large an amount, involved the duty of carefully considering the prin-

ciple on which they should be managed, and the proper mode of dealing with the tenures upon which they were held by the lessees, and they felt also, that these questions were deeply affected by the responsibilities which the Legislature had devolved upon them, as trustees, for the general benefit of the Church, and more especially of the parochial clergy."

The first great change, therefore, took place when the estates of 336 prebends became vested in the Ecclesiastical Commissioners, and an intimation was made that they were ready to commute the estates of the bishops for fixed instead of fluctuating and uncertain incomes. With regard to capitular property, they became entitled eventually to about one-third of the proceeds that were formerly divided among the members of the various ecclesiastical bodies; and here he wished to make a few remarks upon the tenure under which the property had been held. In 1838 and 1839 a Committee sat to inquire into the mode of leasing Church property. Their labours disclosed the fact, that a system of leasing had been shamefully and sinfully recommenced in the Church at the Restoration, and had been continued with the worst and most disastrous effects to the present day. The Committee said—

> "Your Committee are prepared confidently to assert, that the system of raising revenue by fines, always improvident, is peculiarly disadvantageous to the church lessor, from the peculiarity of his tenure; and the objections to it are felt in leases for terms, and aggravated most materially in leases for lives."

And they recommended—

> "the abolition of the injurious system of fines upon leases for lives, and also upon leases for terms; the substitution of a fee-simple for a leasehold tenure throughout the property of the Church; and an Act to provide for the conversion of Church leasehold into fee-simple, commonly called enfranchisement."

Now the justice of these views had been exemplified in a very remarkable manner, for, ten years afterwards, a Commission, entitled "The Episcopal and Capitular Revenues Commission," was appointed. Before that Commission the system of leasing was again revived, but to be again condemned; and a Bill was accordingly introduced, and the sanction of Parliament was sought to a plan by which it was thought that the system might be perpetuated upon a basis more favourable to the interests of the Church. That sanction was not, however, given; and later in the Session a Bill was introduced to carry out, with the express recommendation of the Committee of 1839, and permit the voluntary enfranchisement of the property of the Church. But in whatever way such a system was exercised, it was equally open to objection. One of the great wants to be provided for was the enrichment of the poorer sees; and in order to effect that, it was necessary that the incomes of the more wealthy ones should be diminished. And the plan, therefore, first adopted was, that the incomes of the richer sees should be assessed, and that the surplus should be paid into the hands of the Ecclesiastical Commissioners, that surplus remaining as a fixed charge upon the see. That plan, however, was not found to answer; and then another plan was adopted—that the income should be fixed in future, and that the surplus should be left available. But that plan was also open to condemnation; for it should be remembered, that the bishop or other proprietor of the territorial estate was also a minister of the word of God, and that his time was taken up with other duties totally irrelevant with those imposed by such occupations as that arrangement would have enforced. In addition, however, there was the consideration that the interests of the property might be endangered, because the bishops were selected from a class of men who had little or no knowledge of the management of property; but more especially from the fact, that their attention was more lawfully taken up with spiritual matters. Nor, indeed, was it either consistent with the experience of human nature that men should evince an equal interest in property from which they derived a benefit, and property from which they derived none. Again, as far as the interests of the property itself are concerned, that plan which was anciently bad, and was still most injurious to those interests, was best for the bishop, as interfering least with his other spiritual duties. And, in dealing with this kind of property after such a manner, this anomaly had to be encountered. Did we wish to devolve acts of ownership upon the lessees, then by that system the Church was found to receive only about one-sixth of the value of its estates; and, on the other hand, did we wish to obtain an improved value for the property by bringing a portion of it into hand, then we found, unless some new mode of management were adopted, ecclesiastics and spiritual persons, occupying a position never before held by bishops and others in this country, as the managers of large landed properties, at a time, too, when the growth of population and the increase of intelligence rendered the duties of the present day no fair comparison with those of a former epoch. It was true, indeed, that various opinions had been urged as to whether this property might be managed by the bishops and chapters themselves, under a species of rackrent to these ecclesiastical corporations. But, at the same time, even when that opinion was prevalent, it was admitted that a large amount of agency must be the necessary consequence. However, though a great variety of opinions had been expressed upon the subject, he would content himself by reading the evidence given by the Dean of Carlisle before a Committee of the other House of Parliament. He was asked—

"Do you see any objection to their being the actual proprietors at rackrents ?—I do not see any other difficulty than that they might not look sufficiently well after the property.

"That would be obviated by their having a good agent ?—Yes, if they looked well after him.

"It would be necessary for them to have a surplus fund to meet the demands that would be made upon them ?—Yes.

"In what way do the chapter now carry on the arrangement of such estates as they do look after ? Do they meet frequently for the purpose ?—They only meet twice a year.

"Do they look minutely into all the circumstances of their several estates ?—Certainly not.

"They are not aware precisely of the condition of the properties ?—No, very rarely, indeed, are they so.

"If you converted them into immediate landlords they would, probably, look more carefully into their affairs ?—Yes, the colleges do so, and I do not see why the chapters should not.

"Is there not a difficulty in comparing a chapter with a college in this point of view—that there is always a constant body resident in a college, whereas in the existing condition of the chapters the members are only successively resident, and therefore you have not any constant body always at hand ?—The property of the college is almost entirely managed by the head of the college and the bursar ; probably only by one person.

"Suppose in the month of January there is a communication from a tenant, Canon A. being then resident ; and the next communication between the same tenant and the chapter is in the month of April, when Canon B. is resident, would not that give rise to difficulty ?—Yes ; it must be done by one person, and that person would naturally be the dean.

"You say that the present system is inconvenient, and sometimes places the chapter in a difficult position. Would not the yearly communications, and the almost daily communications which must pass between the tenants at rackrents and the chapter, be still more inconvenient than the still more infrequent communications which now take place relative to the renewal of leases ?—They might.

"Would not they trespass more upon the time of the functionaries ?—They certainly would.

"Might not they occasionally place them in situations of inconvenient collision with the tenantry ?—They might ; but I think they are in a very unpleasant position at present.

"Situations of collision would be inconsistent with the position and the dignity of the chapter ?—I think they might have that effect.

"Do you not think that where land is held at rackrent, there necessarily arises between the landlord and the tenant a continual cause of pecuniary discussion and negotiation, which it would be very desirable to avoid between the clergy and the laity ?—I was bursar of Baliol College for two years, and I never experienced any such difficulty, nor did I ever hear of any on the part of the master and fellows.

"Is there not a considerable distinction between a body of clergy who are acting in the capacity of a college, and a body of clergy in general who are acting in their spiritual capacity of ministers of religion towards the community at large ?—I suppose there is.

"So that it might not be inconvenient that there should be these daily pecuniary negotiations between a college and the laity ; but great inconvenience might still arise if these pecuniary negotiations existed between the working clergy generally and the laity ?—Yes."

Such was the evidence of the Dean of Carlisle; and here he need scarcely repeat that the same arguments that applied to the property held by chapters applied to other cases also. The constant tendency of all past legislation, as of all future legislation would no doubt be, was to limit and fix the incomes of the dignitaries of the Church; and where that was the case it necessarily followed that the management of the property should be entrusted to other hands. And if it was considered an answer to that conclusion that a sufficient amount of estate might be assigned to each corporation to yield the stipulated income, then he (the Marquess of Blandford) would put it to the House whether it was consistent with either the advantage of the property itself, or the interest of its possessors, that large landed estates should be managed at a rackrent by those whose calling had been laid in a much higher sphere, and whose duty it was to feed the flock of God ? He now came to the second class of reasons which he adduced for the step he proposed—that was, the advantages that would accrue from it when taken in connexion with the vast requirements of the present day. He had before stated that that point to which he wished principally to direct attention was the strengthening and establishing that great machinery so essential to the preservation of our national religion and piety, namely, our parochial system ; and he believed that if this were effected, the other great branches of our Church, namely, the episcopate and the chapters, would not want in those proportions which were necessary to sustain and complete the whole. The working of the parochial system was perhaps little seen, and few perhaps of those effects which really flow from it were attributed to it; but they could not doubt, that it had contributed, under the hand of God, to the cultivation of the temper and moderation of the people, and had been the cause of much of that social blessing with which this country had been so highly favoured. That House had, on different occasions, been forward to promote the building of churches, and where these had been erected, it had followed as a matter of course almost, that parishes and districts had been formed; the building too of churches, and the location of ministers of the Church in thickly populated places had tended to repress crime and to form a nucleus round which had gathered schools, district visiting societies, provident associations, clothing clubs, and literary institutes; while every family of the flock had been enabled to find that which no civil institution, however perfect, could afford him, the care of the Chistian pastor, and the sympathy of a common friend. That was the view which he took of the parochial system; and to maintain such a system in the most complete efficiency, he believed that abundant means might be produced from the resources of the Church itself by wise and judicious management, without calling upon Parliament for any additional funds to aid in its maintenance. Now, the principal wants of the present day might, for convenience, be divided into three classes. First, those into which inquiry had already been made by the Commissioners of 1836, for relieving which, therefore, expectations had virtually been held out, but which expectations had not yet been realised; second, those where a partial effect had been produced, but where the evils arising from want of completion were very severe; and, thirdly, those into which inquiry had recently been instituted, but towards supplying which no steps had as yet been taken. With regard to the first class, he would, with the permission of the House, read an extract from the Commissioners' Report of 1836, which had long excited expectation:—

"It appears, from the Report of the Ecclesiastical Revenues Commission, that there are no less than 3,528 benefices under 150*l.* per annum. In every one of these benefices it is desirable that there should be a resident clergyman; but unless their value be augmented, it will in many cases be impossible to secure this advantage. The necessity of such augmentation will be greatly increased by the changes which we are about to recommend in the laws relating to pluralities and residence. The means which can be applied to effect the improvement, are very far short of the amount required. Even were no addition made to the incomes of benefices having a population below 500, it would take no less a sum than 35,000*l.* per annum to raise all benefices having a population between 500 and 2,000 to the annual value of 200*l.*, those having a population of 2,000 and upwards to 300*l.*, and those having 5,000 and upwards to 500*l.* per annum. The Ecclesiastical Commissioners also reported that the benefices in public patronage were 1,533, and the sum required for their augmentation 145,195*l.* The number augmented by the Commission was 796, at an annual charge of 44,728*l.* The number still to be augmented was 737, and the remainder of the sum required was 100,467*l.*"

It also appeared from their Report that the number of livings in public patronage was 1,533, requiring an annual sum for their augmentation of 145,195*l.* per annum. He would, therefore, take those, as, being in public patronage, they might appear to have most claim upon public funds, and he found that the number of these livings augmented by the Commissioners amounted to 796, at an annual charge of about 44,728*l.*; leaving to be yet augmented, 737; and a remaining portion of the sum originally considered necessary amounting to 100,467*l.* per annum. And when they considered that these wants had been thus deliberately set forth, he thought it was but fair to say that a virtual promise had been given for the remainder of that sum. With regard to that class of cases where partial effects had been produced, but where evils still arose from a want of the system having been thoroughly and completely carried out, he ought perhaps to include under them a great deal that had been done since the year 1818 by the formation of new districts and parishes; and by the Acts then and subsequently passed, separate and distinct parishes might be formed where part of the original endowment was divided, and separation from the mother parish was complete; district parishes might be formed, where no part was taken from the endowment of the original parish, and which were still in a degree subordinate to the mother parish; and district and consolidated chapelries might be formed, which by recent legislation occupied a position with regard to the mother parish nearly similar with that of district parishes; and to these might be added those parishes formed under the 6 & 7 *Vict.*, commonly called Sir Robert Peel's parishes.

Now great as had been the good which

had been effected by these measures in the inculcation and spread of Divine truth, these districts still did form a subject of complaint, which in bringing forward a measure of this nature, having for its object the creation of a large surplus revenue, addressed itself especially to their notice. And here he must recall the attention of the House to that petition which he had that day presented, signed by upwards of 800 incumbents: from this it appeared that it was the opinion of those whose duties led them into a practical consideration of the position of these districts, that the law as it now stood was unable to provide for the completion of the parochial system, by their erection into separate and independent parishes, and that this inability arose mainly from the want of an adequate and fixed endowment. There were other evils also which flowed from this, and were scarcely inferior to it; he alluded to the anomalous position which was occupied by the incumbents of these churches, who were unable in some cases to perform some of the sacred offices of religion for their congregations, but as the law now stood might be called upon to admit for that purpose, either the incumbent of the mother church, or one of his curates into their churches. The collection, too, of church rates for the mother church over the entire original parish, was an evil for which as yet the law had provided no remedy; in many cases it led to the refusal to pay them altogether, or, if paid, it robbed the district church of that legitimate support which it had a right to expect from its own congregation. The incumbents of these districts complained bitterly, that the tendency of the law, as it now stood, was to nullify that pastoral connexion which ought to subsist between a minister and his congregation. But one of the greatest evils, and that to which he would now especially call the attention of the House, was that which proceeded from the want of a permanent and adequate endowment. The petitioners stated—

> "That those benefices which have of late years come into existence under the Church Building Acts, or by the operation of other causes, being for the most part inadequately endowed, having, in numerous cases, no more than the lowest legal endowment of 13*l.* annually, and in some no endowment at all, and being almost universally situated in the poorest localities, the incumbents are compelled to wander beyond their assigned districts, in pastoral visitation, after pew-renters resident in other parishes, who naturally expect and require a share of their time and attention. Hence it results that the churches professedly built for the accommodation of the inhabitants of the districts are often practically closed against the great mass of the population for whom they were intended, and that the attention of the clergy is necessarily diverted from their appropriate duties within their districts by the claims of non-resident pew-renters. That the extension of the parochial system, with an adequate endowment, to the districts already existing or hereafter to be constituted, would effectually remedy these evils, by throwing open the church to all parishioners, by exonerating the incumbent from all pastoral duties beyond the boundaries of his parish, and thus leaving him at liberty to concentrate his energies to his legal charge. That your petitioners would humbly represent to your hon. House that there are nearly 4,000 incumbents whose incomes do not amount to 150*l.*, and very many incumbents of long standing in the ministry, and of exemplary and laborious lives, whose incomes are below 90*l.* annually. That, in consequence, many of your petitioners and other clergymen are obliged to engage in tuition—in writing for journals and periodicals—in labouring for religious societies—and in holding lectureships in other and distant parishes—in order to obtain food and raiment for themselves and families. That at the same time the claims for relief which are in all places made on the clergy are, in the case of your petitioners, considerably increased by the position of their incumbencies. That very many of the churches in the poor localities are gradually falling into decay for want of timely repairs; that considerable expenditure is also required in very many cases for the suitable conducting of Divine service, and for other purposes; and that there is a general feeling of objection to contribute to the expenses of the district church, on the ground that the inhabitants are already taxed for the support of the mother church."

He would also mention some other of the anomalies of the present system, which frequently interfered to prevent the minister from performing his sacred duty; and oftentimes wholly impeded the collection of church rates throughout a district, and, as a consequence, deprived the Church of its legitimate source of income. They also tended to nullify that pastoral connexion which ought to subsist between the minister and his congregation. But the most serious evil of all was that to which they must now especially attend — that which proceeded from the want of an adequate endowment for the poorer clergy. Some of the correspondence that had taken place on this subject, showed the great necessities of the clergymen who laboured in those poor and populous parishes. He would read one or two of these statements to the House. The first stated:—

> "I have a widely-scattered population of 700, necessitating a horse to visit the sick. There is no place nearer than two miles where we can obtain the necessaries of life. The endowment of my church is 36*l.* 5*s.* 4*d.* per annum. The pew rents need the assistance of a sermon yearly to

meet the incidental expenses. The rector of the parent church has hitherto given me 55*l.* 15*s.* 8*d.* per annum, and I believe will continue to do so; still he is under no legal obligation to do so, and it is far from agreeable that the incumbent should feel thus under obligation to the rector of the parent living, and so be scarcely independent, though nominally the minister of an independent charge. These statements are, I think, a fair sample of many, very many, of the district churches."

The second was to the same effect:—

> "I am a perpetual curate of one of the churches under Sir Robert Peel's Act, with an endowment of 150*l.* a year. The parties who built the church offered it to me on condition of receiving from me 700*l.* towards the building, &c. They gave me to understand that I should have the pew rents in addition to the 150*l.* On that condition I accepted their offer. In the course of a few years, however, it was discovered that I had no legal right to pew rents at all in a church built under that Act; and it is because the leading persons in my congregation would not break faith with me that I have not long ago been deprived of every fraction of income arising from that source. We have no church rates, and yet we are obliged to pay church rates to the old parish. If I had only the 150*l.* for my income, then, after paying all expenses—organist, clerk, cleaning, lighting, &c. —I should probably receive nothing at all, and my 700*l.* would go in the bargain. It appears to me, then, that churches built under Sir Robert Peel's Act, since they are limited to a fixed income, with no means, except the repairing fund, to pay all necessary expenses, are in many respects actually worse off than district churches with legal pew rents."

In some parts it was so difficult to procure persons to undertake the duty, that it became necessary to make a rule to accept the first application which might be made. The system of providing for the maintenance of the minister by pew rents, was one totally opposed to the theory of our Church, which was one founded upon an endowed and not upon a voluntary principle. Some of the evils of the system had already been described in the correspondence he had read. To these he might add, that there were cases where the richer part of the population were removing their residences from those places where the church was first built, to the outskirts of the town; but as the income of the minister was still dependent upon pew rents, the church remained practically closed against the poor population, who were living immediately around it. In other cases, a preacher of some popularity in the pulpit, drew from a neighbouring district the richer, leaving to his brother incumbent but the poorer and more indigent parts of the congregation, and who were generally the occupiers of free seats. In every case the present system had a tendency to limit and control that personal discretion and liberty on the part of the minister of a congregation which he was entitled by his high functions to exercise in matters relating to the arrangement of the spiritual concerns and wants of that parish with which he might be connected. He would state to the House his impression, that to provide for the ministration of the Gospel by means of payment from an unfixed and uncertain source, was at direct variance with the principles of the Established Church. It was a system which the principle of the Church providing for the religious instruction of the people by endowment directly negatived, and one which the Statute Law condemned. He would just read to the House the preamble of the Act constituting the Bounty Board, though he was far from saying that in all respects it was applicable to the present day:—

> "Whereas a sufficient provision for the clergy had not yet been made, by reason whereof divers men and stipendiary curates are depending for their necessary maintenance on the good will of their flock—that they are consequently under great temptation of suiting their doctrines to the humours of those who contributed to their maintenance, thereby giving occasion to great faction and schism, and generating contempt for the minister."

To remedy these evils, fixed and permanent endowments were required, and were these provided, the erection of all these districts into separate and independent parishes, would be a step, not only against which no good grounds of objection could be laid, but to which every reasonable consideration then would point. The districts formed under the 6 & 7 *Vict.*, also formed a ground for serious complaint. In these no pew rents were permitted to be taken; their endowment was only 150*l.* per annum; and thus these ministers were occupied, in addition to their parochial duties, in writing letters and endeavouring to obtain subscriptions for the erection of a church; and unless a gentleman so situated possessed some little property of his own, it was impossible for him to present a respectable appearance before his congregation. Truly he was justified in saying, that these places also required an increase of endowment. With regard to the third class to which he had referred—namely, that class concerning which inquiries had been made, but for whose benefit no funds had been provided. It would be found from a return which had been laid upon the table of the labours of the Commission which had been issued to take into consideration the question of the subdivision of parishes, that for places having a population of more than 3,000, there was need of no less than 580 new churches, and that the erection of those churches would necessarily involve a new division of districts; and if sufficient funds could be collected to enable a prospect to be held out that these districts would be permanently endowed, that would be a great inducement to the public to come forward and give subscriptions for the erection of new churches. A striking illustration of what might be done by means of public funds judiciously applied, would be shown by the statement he was about to make in respect to what had been done in the field of education. The total sum granted by Parliament from 1845 to 1850 for Church of England schools was 327,230*l.*, and the sum that was raised by private contributions to meet this was 399,819*l.* They might, therefore, form a reasonable conclusion, that if there were a proper administration of the property of the Church, there would be provided not only an adequate endowment for ministers, but also a sum sufficient for the erection of those churches. Then, with regard to those classes of wants which he had detailed to the House, he found that the number of churches built under the Church Building Acts was 857. The number of districts that were formed by the 6 & 7 *Vict.* was 233, and the number of churches that were still required, according to the recent inquiry, was 580—total 1,670. To endow each of those with 150*l.* a year, would require about 251,000*l.* To this he would add the sum of 100,467*l.* which was virtually promised by the Commissioners of 1836; and the sum would in the whole amount to about 351,000*l.* per annum. Such was the state of the case as it now stood, and such were the requirements to supply the pressing spiritual wants of a portion of the people, which addressed themselves to public notice, and which it would be wrong not to take some steps to remedy. Having now stated those wants, he would endeavour to show how far, from the condition and extent of the Church property, those wants might be supplied if the property were under a wise administration. The first Returns to which he had access were made in 1836; and by those Returns, calculating that the sums received upon the average of three years at 25 per cent of the entire annual value of the property, it appeared that the entire annual value of capitular property held under lease would, according to this calculation, amount to 661,435*l.* per annum; and the value of the property from other sources amounted to 112,830*l.* per annum. The value of episcopal property under lease was 300,260*l.* per annum, and the amount from other sources was 107,097*l.*, making the value of the total amount of property under lease 961,695*l.*, and of property from other sources 219,927*l.* Now by the process of enfranchisement of some portions of church property, and the buying of the leasehold interest of others, he was informed, on the best authority, that taking one description of property with another, the effect was, that about one-half of the fee was actually parted with, while the remainder was brought into hand; the sum, therefore, with which they had to deal would be one-half of the entire annual value of property held under lease; to which, if were added that of property derived from other sources, we should have an annual sum of 700,775*l.* as that which by this calculation would be available for Church purposes. Now, in forming an estimate of the sum which would be necessary to provide for the incomes of all Church dignitaries, together with the expenses of the establishments, it was true that they could only as yet arrive at an approximation; but when they considered what had been the tendency of all past legislation on this subject, they would not be far from forming a just conclusion. All past legislation had tended to fix and limit the incomes of dignitaries; already those of the bishops were now or prospectively so fixed, as were also those of the members of four of the principal chapters; and with respect to the others, though not in every case acted upon, Parliament had already made recommendations for regulating their incomes, recommending for deans, 1,000*l.* per annum, and for canons, 500*l.*; it was also exceedingly improbable that the Commission which was now sitting would conclude its labours without recommending in future fixed instead of fluctuating incomes for the members of the chapters; and, therefore, taking, with the exception of those whose incomes had been already fixed by Parliament, 1,000*l.* as the average incomes of deans, and 600*l.* as that of canons, and taking the expenses of the Cathedral establishments upon a general average of the sums returned for those expenses in the year 1836, the total annual charge that would be required to defray the incomes of Church dignitaries, would be—

Archbishops and Bishops	£152,200
Deans	36,000
Canons	89,800
Minor Canons (150*l.*)	31,750
Cathedral expenses on returned average	54,000
	£363,750

Leaving a surplus in due course of time, of 337,026*l.* applicable to parochial purposes. There was, however, every reason to believe that the estimate of the value of the property was considerably greater since the commutation of tithes; in the chapters of York, Chester, Bristol, St. Asaph, Rochester, St. Davids, &c., the value of tithes alone, as returned by the Commissioners, equalled the entire annual value of the property under lease as given by the returns. It was given in evidence before a Committee of the other House that the value of the lands of the see of York was 20,000*l.* per annum, and that of tithes 27,000*l.*, making a gross value of 47,000*l.*; whereas the return made under former calculations was only 37,000*l.* The value of the property of the see of Durham as given in evidence was 100,000*l.* per annum, whereas the value of it given from the Returns in 1836 was only 48,000*l.* In 1843 a Return was made to the Ecclesiastical Commissioners of the entire value of the property of the see of Gloucester. It appeared, according to the evidence, that the sums received upon the renewal of leases on the septennial value were exactly one-sixth of the entire annual value; and the same result appeared upon comparing the annual value of properties held under lives under the see of Ely, with the sums received upon renewals of leases of that description; and further, by applying the results of this calculation to last septennial returns from the various sees, and to those sees, of the value of whose property, evidence had already been given before the Lords Committee, the result so nearly coincided as to leave little doubt that the calculation was a correct one. Assuming then that the sums derived from fines upon renewals, were one-sixth of the entire annual value, the entire annual value of episcopal leasehold property would be 547,094*l.* With regard to capitular property, he had gone no further than to assume that the sums obtained were one-fifth instead of one-sixth; and in this calculation the entire annual value of capitular property would be 826,792*l.*, making a gross total of 1,373,886*l.*, one-half of which added to 246,797*l.*, the annual value of episcopal and capitular property other than leasehold, gave a sum as being available for church purposes of 933,740*l.*, and left an available surplus of 569,990*l.*; while the sum for which there was an immediate and pressing need, was 350,000*l.* From these calculations he was led to believe that, with this property, under a wise system of administration, it would not only be possible to provide for the present spiritual requirements of the country, but even to provide for an increased population, so that at no time an appeal would be made in vain to the resources of the Establishment. He would not detain the House much longer, but would now shortly detail the provisions of the measure which he wished to introduce. It was simply to transfer the management of the episcopal and capitular property to Estate Commmissioners, investing them with legal control for the purposes of management only, and empowering them to receive all the rents and profits, except such as were derived from land analogous to glebe land, and sums derived from money invested in any public security. He was anxious that the measure he proposed should come into operation with as little sudden change as was compatible with so important a step, and the Bill therefore did not interfere in any way with the fee of the property, or tend in the smallest manner to jeopardise its tenure, or to alienate it from those corporations in whom it was now vested. On the contrary, the measure provided that a separate account should be kept of the properties of each individual corporation, to which the parties should have access by themselves or agents, and that a seal should be used, with a distinctive die for each corporation. With respect to the transfer of property, the Bill would not interfere with the Act of enfranchisement of 1851; but it would provide that the power given by the former Act to the different ecclesiastical corporations should be transferred directly to the Ecclesiastical Commissioners, in order that the process of his measure might not be interfered with, and also that the estates assigned to each see would be sufficient to yield its annual income. The Bill also provided that the sum which was necessary to make up the income of the bishop or chaplain, should be, of course, a rentcharge on the property; and in the event of this sum not being paid within a certain time to be fixed, there would be given immediate powers of re-entry. It would be in the recollection of the House that some of the sees were already in possession of fixed incomes, namely, those whose bishops were appointed since 1848. He proposed, in regard to those and all capitular estates, together with that of the other bishops who had already agreed with the Commissioners for fixed incomes, that they should immediately come under the operation of the Bill. In regard to those other sees appointed prior to 1848, it was proposed that the operation of the Bill should be delayed until after the next avoidance of the see. With regard to incomes, the Bill provided that a half-yearly return should be made to the Commissioners of all the sums derived from property, except such as were obtained from sources of income not under the control of the Commissioners. The salary for the dignitary would, of course, be the first rentcharge of the see or chapter. With regard to some chapters that had no fixed incomes, the Bill provided that such sums should be paid to them by the Commissioners as they should in any case be entitled to receive. It also provided that so long as the major part of the canons were not in possession of fixed incomes, they should receive from the Commissioners the sums necessary for the expenses of the cathedral without any inquiry; but after the majority of the canons were in possession of fixed incomes they should not be paid without the consent of the Commissioners, unless they were expressly mentioned in the Cathedral Statutes. The Bill contained one other provision, of the effect of which, however, he had taken no account, in the estimate he had laid before the House of the value of church property, but which, if adopted, would have the effect of materially enhancing that value. He proposed that the practice now adopted by the Commissioners, of not renewing the leases of any tithes, should be extended to all the episcopal and capitular property, as it came under their management; and that upon either the expiration or surrender, upon purchase, of the lease of any tithes, a proper provision should be made by them for the wants of those places where the tithes arose, and that the remainder of the tithes should afterwards be assigned to, and form part of, the endowment of the particular see or chapter to which they might belong.

In conclusion, he had only to thank the House for the attention they had given him in making these proposals. To conclude, from what he had stated that some such measure as that which he had now the honour of submitting, was the legitimate and necessary consequence of all previous legislation, appeared to him but a fair and rational deduction. He had shown the present relation to the Commissioners of the property in question, and the large share of it to which they were already entitled, over which, however, they exercised little or no control. The present relation of the bishops to the Commission was very unsatisfactory; in order that they might be in possession of that income which had been assigned to them by Parliament, they had to make a half-yearly return of the proceeds of their property, and as much as it fell short of their stipulated income, they received—from where? From the common fund of the Commissioners, while the surplus, where it existed, was paid over; a surplus which the Commissioners might just as well have been at the pains of managing and securing on their own behalf. And yet they were told, that to make the bishops recipients of an income from the Commissioners, was to place them in a humiliating and stipendiary position. On the other hand, he proposed that in every case it was their own property which should yield them the income to be enjoyed; that the bishops should have power to inspect at all times the accounts, and that those accounts should be kept distinct from all other accounts, and that the strictest precautions should be adopted of which the law was capable to secure a prompt and accurate payment. He had also called the attention of the House to the fact that the property had been brought to some extent under a new tenure, and that a system of enfranchisement had been adopted, which could not but in time become general, and this tenure involved a totally new relationship of the bishop to his estates—one hitherto untried in this country, and equally at variance with the increasing responsibility of his other occupations. In addition to this, there were wants from which the most serious evils might flow, which would be left unremedied unless a large surplus were provided; and he would ask, was that surplus more likely to accure from a responsible and concentrated management than from a variety of quarters, each having their separate agencies?

Again, did they wish to confer in time a real efficiency upon the Church Building Acts. It could only be done, he thought he might assert, by holding out a prospect both to parishes and districts which those Acts were not able to afford — of a fixed and somewhat adequate endowment. Was the 14 & 15 *Vict.* to confer a real boon upon the Church by enhancing the value of its property? Such a value, it was true, might be conferred; but without a mode of administration suited to a new description of tenure, they might do little to promote the true interests of the Church, but encounter, perhaps; a new and a more formidable danger. And lastly, was population increasing; were a thousand forms of evil and ignorance threatening our social state; and were numbers of our fellow-countrymen still plunged in the grossest darkness, without either the will or the power to move towards their own relief? On them was laid the heavy responsibility, not only to frame enactments to repress their crime, provision to ameliorate their temporal condition and cheer their homes, but also, of regarding them as those whose understandings had been given them from above, and whose spirits had been formed in a mould measuring time and reaching into eternity. It was with these feelings that he asked the House to enter upon the consideration of this measure, and while the Legislature of later days had proclaimed its wisdom, by securing all individuals freedom of religious convictions, he would ask it, at the same time, to emulate the Christian fervour of a remoter period, in an active solicitude for the well-being of the Established Church—to vindicate, by the discussion of these questions, its long-established rights over all persons and things, ecclesiastical as well as civil; and, lastly, to discharge its alienable duties as the Parliament of a country still blessed with a union of Church and State, by enabling that Church widely to make known those truths which her Master purchased with his life, and which our ancestors strove for and secured. And could he better conclude those remarks, at a time, too, when events were daily proclaiming, in louder notes, that the period might arrive when they must rely not only on a human arm, but on the Divine protection for the inviolability of our shores, than by quoting to the House the words of one whose heart was warmed under the sense of an act of royal bounty to the Church — words which they could not doubt, it would gladden thousands in this country, could they appropriately form a page in the history of our own Most Gracious Sovereign:—

> "This was to put to silence that insult of the common enemy, who abroad and at home upbraided us with the poverty and contempt of the English clergy, and this was to rebuke the spirit of profaneness which delighted in the same objection; and therefore Her Majesty prepared to consecrate the only ecclesiastical branch of her revenues to these pious uses—for God and His Church and Ministers; that so she might accomplish the wishes and desires of her Royal predecessors, and finish the good work that had been often recommended: that beyond any precedent in former reigns she might honour God, and promote His public worship, and countenance and confirm religion by repairing the supports of it: thal she might vindicate the ministerial office, and restore the decent respects due unto that holy character: that she might extend her charity to the souls of all her people, by better exciting and rewarding the pastoral care of them: in a words, that she might bless the present age, and transmit that blessing to posterity."

The noble Lord concluded by moving for leave to bring in the Bill.

Motion made, and Question proposed, "That leave be given to bring in a Bill to make better provision for the management of Episcopal and Capitular Property."

LORD JOHN RUSSELL said, the noble Marquess had devoted a great deal of labour to this subject, and he believed that the noble Marquess was animated by a very great regard for the good of the Church, and the spiritual welfare of her people. With respect to the particular purpose of the noble Marquess, and the details of his Bill, he (Lord John Russell) thought it was far better that the House should assent to the Bill being brought in, and that they should thus have a full opportunity of considering its details, than that they should then enter into any discussion of the statement which the noble Marquess had made. It was evident that many of the propositions of the Bill were of great importance, and that there were some to which objections might be made. He quite agreed with the noble Marquess that the House should not consider the Acts which had been passed from 1836 to the present time as forming a complete system, but that they should from time to time remove the objections, and extend the benefits of those Acts. With those few words he heartily concurred in the Motion for leave to introduce the Bill; and he trusted the noble Marquess would not unduly press a measure of such importance at a period of the Session when

Parliament might not be able to give to it that attention which it deserved.

Mr. HUME said, he begged to express his satisfaction at the Bill itself, but he did not agree with all the principles laid down by the noble Marquess. He did not think that that House should assent to the payment of any more of the public money for the building of churches. He regretted that he did not hear the noble Marquess allude to the necessity of educating the humbler classes. Neither had he alluded to a point which also was of great importance. The noble Marquess seemed to think that Church property could only be applied to one sect. He should, however, recollect that when the Church property was first bestowed for religious purposes, it was intended to educate all the people. Since then one-half of the people had left the Church; and the question naturally arose whether one-half of the money taken from this religion might not be applied to the purpose of giving a good secular education to the people. He did not agree with the noble Marquess in all his propositions; but he thought he was, nevertheless, entitled to very great credit. The noble Marquess had shown, by his statements, that he well understood the subject; and he (Mr. Hume) was perfectly satisfied that, as the result of his efforts, a great and an important service would be done.

Mr. HEADLAM said, he willingly gave his cordial concurrence in the objects which the noble Marquess had in view; and he was of opinion that the Bill he proposed to introduce would effect a real and practicable improvement in the administration of Church property. But he had risen to point out some of the defects and anomalies of recent legislation in diverting the funds belonging to the Church in one district, from being applied to the wants of the Church in that district, and making them applicable to the country at large. In the diocese of Durham there were large funds applicable to the Church, and great necessities on the part of the people; but it was proposed to distribute them, not in the locality, but in the country at large. In Newcastle and Gateshead, both very large towns, this was peculiarly the case. Gateshead contained 113,000 inhabitants, yet there were really less funds applicable to the spiritual wants of the population than in many other places where there was not so large an aggregate of human beings; whilst in Newcastle the inhabitants had been obliged to subscribe funds amongst themselves for the maintenance of the vicar. These things were objectionable; and whilst such wants existed, the inhabitants thought it rather unjust that the funds belonging to the district should be applied to other places, which had no such prior claim. The population of the county of Durham had increased more rapidly than that of any other county in England, with the exception of Lancashire and another county, arising in a great measure from the opening of the great coal field. With so great an increase to the numbers of the people, there must necessarily be a large demand for their spiritual provision; and certainly in many parts of the county there were most important wants of this description. But the inhabitants had been deprived by recent legislation of those means which were furnished by their own locality; and his object in now rising was to state that when the Bill was discussed in Committee, he should bring forward a clause giving these poorer districts a prior claim upon the funds which were now applied generally.

Sir BENJAMIN HALL congratulated the Church on the progress which reform was making in reference to abuses of which he had long complained. He was aware that those who took an active part some years ago in bringing these questions forward were subjected to much obloquy and opprobrium; but he, for his part, was always determined to persevere until he could bring the matter so prominently before the public mind that he might be quite sure it would be impossible to go on without the correction of those vast abuses in the distribution of the temporalities of the Church which had been a source of the deepest regret to all friends of the Establishment. He did not expect, however, that in the course of three or four years he should see the House of Commons acquiescing in the proposition of his noble Friend (the Marquess of Blandford), and permitting him to bring in a Bill which certainly went further than any proposition he (Sir B. Hall) had ever ventured to make in that House. He congratulated his noble Friend on the success which had thus far attended his praiseworthy endeavours; and as it seemed to be the wish of the noble Lord the leader of that House (Lord J. Russell), and of the House generally, that no discussion should take place upon the proposition made by his noble Friend, he should bow at once to that wish. Nor was it necessary to enter largely into the subject, because there appeared to be a unanimous feeling that the measure should go forward and be discussed on its second reading, should opposition arise at that stage. With regard to what had fallen from the hon. Member who spoke last, if it were proposed by his noble Friend the Marquess of Blandford that the revenues of the Church should be made available for the Church generally, instead of being confined to particular localities, he (Sir B. Hall) would give such a proposition his cordial and hearty support. His ground for saying so was, that our Church ought to be viewed generally, and not partially, as regarded localities; and if there were any one portion of the country more richly endowed than another, and if it could be shown that there were a greater amount of Church property in the diocese of Durham than was absolutely necessary for the spiritual wants of the community there, he thought it would be advisable that the benefits which might arise from the distribution of that property should be felt by the poorer districts of the empire, rather than be confined to one extremely wealthy locality, so far as Church property was concerned. If the hon. Member (Mr. Headlam) would accompany him (Sir B. Hall) to some of the districts of Wales, he would there see what real poverty amongst the working classes meant, and his sympathies would be excited by the narratives he might hear of the manner in which these poor hard-working ministers of our Church were compelled to live. If, then, he could see any way of making the superfluous revenues of the diocese of Durham available for the wants of the poorer districts in any part of the empire, such a proposition should have his support. In conclusion, he begged to thank his noble Friend for the pains he had taken in reference to this subject; and he sincerely hoped before the Session was over that the Bill of his noble Friend, either as it stood at present, or at all events in all its material features, might be passed into a law; because he was satisfied that by such a proposition our Church would be more beloved, more respected, more cared for, and rendered more beneficial to the community at large.

MR. EWART said, he must express his concurrence in the approbation which had been bestowed on the Motion of the noble Marquess, and as a Churchman begged to thank him for his exertions and services. He hoped to see such changes introduced as would render the Church more efficient; and he would remind the House that the poorer clergy had often contributed more to the schools in their districts than the richest landowners around them. He trusted that the anomaly of some of the canons in certain capitular bodies receiving more than the deans who were over them, would be removed, and that the inequality between the classes of "new" and of "old" deans would be removed.

MR. FERGUSON said, he had been requested by a large number of the working clergy to convey their complaints to that House, and to state that they could not maintain themselves as they ought to do on the pittance allowed to them. The inequality of the revenues received by the different classes of the clergy operated much against the Church, and injured the rich even more than the poorer clergy, for it tended to make them care more for the things of this world than they should. Within the last few years a great change had come over the spirit of the Church. She had shaken off her coldness and apathy, and that change was entirely owing to the working clergy, who were the real successors of the Apostles, and who did the work of the Apostles, devoting themselves heart and soul to their sacred calling. He believed there was sufficient property possessed by the Church for the maintenance of all her ministers, if it was properly divided; and he thanked the noble Marquess most sincerely for his efforts to effect that object, and hoped he would meet with that success which his efforts so well deserved.

MR. APSLEY PELLATT said, it afforded him much pleasure in concurring in the tribute of praise which had been so deservedly bestowed on the noble Marquess for having introduced this Bill. He sympathised with the distresses of the working clergy of the Church of England, but, at the same time, there were clergymen in the enjoyment of large incomes for which they did little in return. He thought there ought to be a most searching inquiry into those incomes, and into the management of Church property. As a Nonconformist, he thought he was entitled to claim a part of the merit for the Nonconformist clergy in helping to bring about the improved state of things which the noble Marquess referred to.

MR. J. PHILLIMORE said, that pluralities were rapidly disappearing, and by the existing laws it was impossible they could be renewed.

The MARQUESS of BLANDFORD said, he begged to tender his thanks to the noble Lord (Lord J. Russell) for the manner in which he had received the Bill. It was, indeed, matter for congratulation that a measure of this nature should be allowed by the Government to be laid on the table of the House, and to go to a first reading; and he quite agreed with his hon. Friend (Sir B. Hall) that it was a sign of very great advance — an advance which, he trusted, whilst we experienced its benefits, would, as far as he (the Marquess of Blandford) was concerned, be tempered with that moderation which would forbid departure from the principles of the constitution. He would not detain the House further than to say, that, whatever time or labour he had bestowed upon this measure, he had been abundantly repaid for it by the cordial manner in which the measure had been received, and which would be an ample encouragement to him to proceed with it to the end.

Leave *given.*

Bill ordered to be brought in by the Marquess of Blandford and Captain Kingscote.

LIVERPOOL ELECTION COMMITTEE.

MR. INGHAM brought up the Report of the Select Committee.

House informed, that the Committee had determined—

"That Charles Turner and William Forbes Mackenzie, esquires, were not duly elected Burgesses to serve in this present Parliament for the Borough of Liverpool.

"That the last Election for the said Borough is a void Election."

And the said Determinations were ordered to be entered in the Journals of this House.

THE SEPTENNIAL ACT.

MR. SPEAKER having called upon Lord Dudley Stuart, who had a Motion on the paper for to-night for the repeal of the Septennial Act,

MR. HUME rose, and said, he would put it to his noble Friend whether in the then state of the House, looking at the prospect before them, and considering that during the late discussion on the ballot there seemed to be a general wish that as the Government had undertaken to bring in a measure of Parliamentary reform next Session, the time of the House should not be occupied by collateral questions—knowing also how late the House sat last night —whether it was not advisable to withdraw the Motion, and not raise a debate on the present occasion.

LORD DUDLEY STUART said, he was very reluctant to defer a Motion of such great importance as that of which he had given notice; at the same time he was desirous of attaching every weight to the opinion of that old, tried, and steady reformer, his hon. Friend the Member for Montrose. He was quite sensible that at any time he laboured under great disadvantage in proposing this Motion, and especially so on the present occasion, in consequence of the thin state of the House, which had been produced by peculiar circumstances. It was unfortunate for him that his Motion was called upon at precisely the most critical hour in the day—[*it was now half-past seven o'clock*]—and it might possibly lead to the proceeding at which his hon. Friend had hinted, and which might, in all probability, prove fatal to his Motion. Under these circumstances, without pledging himself not to bring forward the question on some future day, he was quite willing to bow to the judgment of his hon. Friend, and to what appeared to be the desire of the House.

Motion *withdrawn.*

Notice taken that Forty Members were not present. House counted; and Forty Members not being present, the House was adjourned at Eight o'clock.

HOUSE OF LORDS,

Wednesday, June 22, 1853.

Their Lordships met; and having gone through the Business on the Paper,

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Wednesday, June 22, 1853.

MINUTES.] NEW MEMBER SWORN.—For Harwich, John Bagshaw, Esq.

PUBLIC BILL. — 1° Episcopal and Capitular Estates.

RECOVERY OF PERSONAL LIBERTY BILL.

Order for Second Reading read.

SIR ROBERT H. INGLIS said, he would now beg to move the Second Reading of this Bill, which was a Bill for the recovery of personal liberty in certain cases. But first he would call the attention of the House to its title, for among the hundreds, perhaps he should say thousands, of petitions presented that day, as well as in the various speeches which had been delivered against it, he had heard almost every possible variety of misdescription applied to the Bill. According to more than one-half of the petitions, the House was called upon to deal with the Bill as one for the "visitation" and "inspection" of convents; while, in other cases, that of the hon. Member for Drogheda (Mr. M'Cann, for example, the Bill was spoken of as one for the "desecration" of these nunneries. And after that, the real title of the Bill, as announced by the hon. and learned Member for Hertford himself (Mr. T. Chambers), was met by a sneer on the part of hon. Gentlemen opposite, just as if the hon. and learned Gentleman did not know the title of his own Bill, its scope, and its tendency. Now he (Sir R. H. Inglis) was prepared to contend that the Bill was a Bill for "the recovery of personal liberty in certain cases," and that, from the very first enunciatory principle of the Bill down to its closing section, there was not one word exclusively bearing upon the religion of the Church of Rome, of the Church of England, or, in fact, upon any religious denomination whatever. True, it might be that the Bill was open to the exception that it was too general; but it was certainly not open to the objection which had been raised, that it applied exclusively to the Church of Rome, or to any of the institutions which were connected with it. However, he did not mean to say that the Bill did not intend— [*Ironical cries of* "Hear, hear!"] Perhaps hon. Gentlemen opposite would postpone their cheers for a little. He was not going to deny that the Bill would not be found to include within its operation convents established under the Roman Catholic religion, but he was prepared to deny that it was intended to apply to such convents exclusively. The Bill did not refer to the Church of Rome by name; it did not refer exclusively to the Church of Rome, nor was there a single phrase in the Bill which could be regarded as offensive by any particular communion in any part of the world; and he (Sir R. H. Inglis), in the observations which he was about to address to the House, would endeavour to take care not be misled into the utterance of a single acrimonious remark, or to comment in any way upon the peculiar views of those who might have happened to take up their residence at either a convent in Essex or at Blackrock. His argument, then, would be based upon no other foundation than that which he believed the sternest opponent of the Bill would admit was a just one—namely, that if it was once granted that abuses might exist in the system of which they were the advocates, that then it was the duty of Parliament to provide an adequate remedy against an evil which even the friends and supporters of that system believed might have a possible existence. He was there to contend that the mere fact of persons of a tender age being placed in a particular residence, there to take vows, and there to remain irremovable, furnished an *à priori* probability that there might be cases of abuse attendant on such a system of confinement. Well, if so, was it, or was it not, the duty of that House to provide agaidst such a contingency, and to protect the rights of our fellow-subjects? Nor could he apprehend that it was a sufficient answer to that question to say, that they had already provided for such requirements. They would not deny the possibility of the existence of abuses—they would not deny that it was their duty to remedy such abuses, if they did exist—and yet their sole retort was to say to him "the actual law provides a sufficient and practical remedy for the evil." He contended that *à priori* there was a possibility of abuse; and on this ground, first of all—that the Council of Trent, the latest Council of the Church of Rome, had anathematised those persons who placed young persons—not contrary, perhaps, to their own inclination, but against the wishes of their parents and friends—within religious houses. If that, then, were so, they had the highest authority of the Church of Reme recognising the necessity for interference. And he would go next to the conduct of Roman Catholic States on the subject. Now, was it inconsistent with the knowledge possessed by hon. Gentlemen opposite, who took the most decided part against the Bill, that the Roman Catholic States of the Continent were not behind the Protestant States in providing remedies against evils which some Gentlemen in that House contended were to be found in actual existence? He must not, however, lay too much stress upon the conduct of Protestant Governments on the Continent, and by whom it had been deemed not incompatible with the personal freedom of their fellow-subjects jealously and anxiously to guard against anything which might interfere with their individual rights. But he would rather refer to Catholic countries. And was it not notorious that in Bavaria it was impossible for any one to take a vow for life in a convent? Was it not, indeed, a matter of daily notoriety that vows were taken but for a limited period; and that if the party immured only chose to do so, she was at full liberty to leave the convent quite as free at the end of three years as the day she entered it? And were not hon. Gentlemen opposite content to allow their own countrywomen the same advantages as were enjoyed by their fellow Christians in other parts of Europe? Again, perhaps he might be allowed to advert to the case of Prussia; for though Prussia was a Protestant country, nevertheless she in no way exercised an undue influence over the consciences of any of her subjects; indeed, he believed that if the legislation of Prussia was examined, it would be found that she extended something more than toleration in religious matters. But in a part of the Prussian code—he believed it was the 658th Article—he found that it was expressly prohibited that any one should enter a convent, except the individual was first ascertained to do so by her free will; and, moreover, it was declared in the power of the State to visit all such institutions. Well, they in England, asked no more than that—they asked no more than was granted to the Roman Catholics of foreign countries—who, he (Sir R. H. Inglis) would tell the noble Lord the Member for Arundel (Lord E. Howard), held ties quite as dear to them as either the mothers or sisters, the aunts or the nieces, referred to in his petition of that day. Such domestic influences were not confined to the inhabitants of this country; they must be shared in wherever human nature existed. He found, then, that Roman Catholics in other countries not merely submitted to, but cheerfully admitted this interference; and, therefore, he would ask, what was there in the Bill now before the House to provoke such hostility as that with which it had been encountered, both in speeches and in petitions? And though he believed that the Bill did not preclude them from inquiring into the condition of many other institutions, in addition to those in connexion with the Church of Rome in this country—and though he knew that it might be objected to the Bill that it extended its grasp far beyond any convent of that Church, and might lead to the violation of private dwellings under the authority of law, yet he would not conceal from the House that its principal object was the preservation and restoration of personal liberty, which they believed had been hazarded, and was hazarded, by the irresponsible confinement of religious women in religious houses. He would not attempt, indeed, to ignore the fact that contentment was often found to sanctify that exclusion; but still human nature could not have so much altered in its every individual specimen, that it was not possible to conceive that among the 3,000 inhabitants of these nunneries, many were pining after that world which they had renounced—not a world of gaiety and sinfulness—but the world, with all its kindly affections, and which had become blighted and destroyed in their regard. Then it was to protect those, and those only, whom it was desired to guard over by this Bill. But then it was said, "If you call upon us to pass such a law as the present, you admit that the law as at present is not sufficient for the protection of personal liberty." Now, the only mode by which personal liberty was recovered when lost, or guarded when at hazard, was by means of a writ of Habeas Corpus. Well, speaking in the presence of many lawyers, some of them of high eminence, he defied any one of them to contradict him when he said that the issuing of a writ of Habeas Corpus required that the party seeking for it should be able to state that he had held personal communication with the person on whose behalf the writ was moved for. It must be upon an assurance that the particular individual desired to be released, or upon the affidavit of the party, stating that, according to his conscientious belief, the individual in question was unjustly or unwarrantably detained. Well, the writ could only be obtained upon one or other of those conditions; and there were Gentlemen of authority in that House whose opinion would support him in that statement. But here the law had caught its little bird, for if it got hold of a party who said she was detained against her will, the very object of the present Bill was already attained. But the intention of the present measure was to secure a link now wanted between the existing law and its practical application to the injured party. He wished them, then, to tell him, if he could produce credible evidence from the party herself, that she was unlawfully and unwillingly confined—because his proposition supposed that there were many such cases in which it was physically impossible that she could make communication to the external world—well, he asked, then, in such a case had they any alternative but to continue the evil, the existence of which was deplored, or to provide a remedy against it? Therefore he thought it became necessary to invest Her Majesty's Government, through the intervention of the Lords High Chancellors of England and Ireland, with the power of providing a remedy in such cases. And so far from that intervention being regarded as an evil, the House had been called upon over and over again, by petitions, to extend the provisions of the Bill to Scotland. And, certainly, as far as he (Sir R. H. Inglis) was concerned, he should not be prepared to oppose the extension of the provisions of the Bill to that country. Now, he had referred to the cases of countries upon the Continent; and it might be said, as was said during the discussion on the Bill of 1829—

> "But those countries, or the greater part of them, are all Roman Catholic, and we do not mind what our own co-religionists may do; they at least will be tender in their investigations; our dread is from the conduct of those who are not of our own religion, and who have no sympathy with those whose exclusion you profess to deplore."

Now he was prepared to contend, that although all that might be a very good argument against the admittance of Roman Catholics into that House, it furnished no reason whatever against a proposition of this nature. He was one of those who contended that in absolute countries, whether the Roman Catholic part of the community were declared rebels or obsequious slaves, the most obedient or disobedient, that the Monarch in all such cases held a remedy in his own hands. Thus, for instance, if a Roman Catholic bishop attempted to interfere with the independence of his Roman Catholic fellow-subjects, he could be removed at once, whether from Cologne to Rome, or from any other part of the dominions of Prussia; in all cases the Royal authority being sufficient to meet the evil. But if that were true with regard to the civil power, it was equally so with respect to such interference as that which the present Bill called for. He and those who favoured the Bill were against allowing despotic power to any authority, civil or ecclesiastical, within these dominions. They were not calling for the liberation of those confined—they asked but for the inspection of the places of their confinement. Let a warrant be issued—let the individual be brought up, and if she were immured at her own discretion and with her own free will, she could return to the convent as unscathed as she came forth into the world to offer her testimony. But if, on the other hand, there could only be established one woman out of every hundred that entered upon the conventual life, who had taken what was now an indissoluble vow, but who wished once again to be admitted to the society of their families and their friends, they were bound to come forward and release her from bondage—self-inflicted, it was true, but then inflicted at an age when she required the protection of the laws of her country. And had they no precedents in being thus called upon to care for the interests of their fellow-subjects? Was there no instance on the Statute-book where they had extended protection and the benefits of reform to those who were unable to protect or reform their own position? Why, glancing at the Orders for that very day, he found that No. 6 on the list was a Bill entitled the "Common Lodging-house Bill;" that No. 7 was a Bill purporting to deal with the case of lunatics— ["Oh, oh!"] He could assure hon. Gentlemen that his use of the word was in the most *bonâ fide* sense. Assuming there were the limited proportion of one in every hundred cases as being confined unwillingly, he contended that even then that House was bound to legislate for such cases quite as strongly as in the case of lunatics or common lodging houses. They were asked, at all events, to do nothing more, and he believed that the public feeling of the country would be content with nothing less. He had heard in that House passages quoted from petitions, which showed the animus with which the measure was now resisted. He believed that if the people of England could but know fully the temper and the spirit in which the best institutions were described by the opponents of the Bill, it would not tend very much to recommend to their good opinion the doctrines of the Church whose institutions were supported by such language as had been uttered in that House, and in various parts of the country. He believed that if it were befitting a debate in that House, he could quote specimens of that language, which would prove that he was justified in stating that he could show that the conduct of those who petitioned against the Bill was not more respectful to the Members of that House, than it was consistent with their duty to their fellow Christians. In one instance a petition, when presented, or by whom presented, or whether it was presented at all, he could not say—but in one instance a petition was agreed to at a public meeting, and in it he found such a passage as the following:—

> "That the readiness with which a large portion of the English nation allows itself to be inflamed against convents is the natural expression of the Protestant Reformation"—

"of the Protestant Reformation"—

> "against poverty, chastity, and obedience, to which it preferred plunder, lust, and rebellion in the person and conduct of the sacrilegious tyrant King Henry VIII. and his illegitimate daughter, who murdered the lawful inheritor to the throne of England."

[Mr. G. Moore: Hear, hear!] Would the hon. Member for Mayo get up in his place in that House and state that Queen Elizabeth was the illegitimate daughter of King Henry VIII., and that she was the murderer of the lawful inheritor of the throne of this country? Well, he was glad to find that there were not more than two or three Gentlemen, at all events, who held that Queen Elizabeth was illegitimate, and who were prepared to adopt in its entirety all the denunciations fulminated against that monarch by the bull of Pope Pius V. He would trouble the House but with a very few more remarks. But still the great grievance remained, and it was this:—Suppose a lady, who was a professed member of the Benedictine order, and who had attached herself to a convent in England, she might be removed thence and transferred to another country altogether. Thus, from Shepton Mallet she might be removed to Bruges, and from Brussels to Breslau; and though, perhaps, she could not be so removed without her own knowledge, yet it might happen without the knowledge of her parents or friends. He, therefore, contended, that if it was inexpedient that she should be so removed, they were bound to accept the provisions of this Bill. The Bill provided that, in order to guard against that sudden and clandestine removal, there should be the power of ascertaining those who occupied those habitations. And it was for hon. Gentlemen opposite, whether they were lawyers or not, to prove that the existing law was sufficient to meet such a case. Many instances had been already recorded within the last two or three years in which the Legislature had provided against the recurrence of ill-treatment to our fellow-subjects. They had begun with the factory children, and then they went on to mines, and had reached to almost every class that were unable to redress their own wrongs. And was there not a large class of our fellow-subjects whom they were bound to regard with the deepest sympathy and interest who might be detained within the walls of a convent? He hoped that he should receive the sympathy even of hon. Gentlemen opposite who cheered him, because the whole question depended upon whether such persons could be detained against their will or not; and if they were so detained they were unable to prove the all-sufficiency of the existing law. Such, then, being his view on this question, he begged leave to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. PHINN begged to state the reasons why he conceived the course which he intended to propose was a more judicious one than the course which had been proposed by the hon. Baronet the Member for the University of Oxford. Apart from the other objections that had been taken to the Bill, he contended that as regarded the infringement of the liberty of the subject, it was as unconstitutional in its nature as any measure that ever had been brought before the House. He felt humiliated that any lawyer should submit to the House a measure that began with a false recital, and terminated with a provision which must be considered destructive of the first principle of the English law, namely, that "every man's house is his castle." It was objectionable that a measure which was intended to apply to a particular body should be brought in under a general denomination; and he would take the liberty of saying, as a lawyer, that he entirely disclaimed the statement of the hon. Baronet who last addressed the House. He had looked over the books with the most painful and anxious attention, and he did not believe that any such case as had been referred to by the hon. Baronet had been decided on an application for a writ of Habeas Corpus. If such a decision had been made, it had escaped his research;

and he challenged the hon. Mover of the Bill, or any lawyer who supported him, to point out a single instance in which the Court had been baffled by the difficulties suggested by the hon. Baronet. He had consulted with many members of his profession, and had looked over the books of practice, and he stated with the utmost confidence that the writ of Habeas Corpus was issued in a manner that would protect the liberty of the subject. The law on the subject, as regulated by the 56 *Geo.* III., c. 100, was, that any person might have the writ as a matter of right, though not as a matter of course; that is to say, on the Court being informed by the person in confinement, or—mark the words—"by any person on his behalf, upon complaint being made to the Judges by or on behalf of the person so detained in custody, they were bound to issue the writ under very severe penalties. The hon. Baronet said that the writ could not be got without a communication taking place with the party who required it; but if that were the case, the Government might plunge a man into a dungeon, and detain him there against his will, because none of his friends could communicate with him. Did any person ever hear such a monstrous doctrine as that? It was impossible to conceal from the House that those religious communities had very much increased of late years. The inmates in those religious houses took a vow of celibacy, led a life of seclusion, and shared what property they brought there in common. They spent their time in exercises of an ascetic nature in some instances, in others in acts of devotion, mingled with those of usefulness and charity. These were the common features of those various houses; and he was bound to say that among those which belonged to the members of the Roman Catholic persuasion, he had been able to find none which had excited the public feeling so much, and which had been so obnoxious in themselves, as those which belonged to the Protestant Establishment. He need only refer to a pamphlet descriptive of an institution founded first at Devonport, and subsequently transferred to Plymouth. He meant that of the Sisters of Mercy. That was an institution established by Protestants, with the entire sanction of a Protestant bishop; and, under the pretence that it was a house of seclusion for Protestant purposes, there was, he (Mr. Phinn) believed, an attempt made to convert it into a Roman Catholic nunnery. He had hoped that the hon. Baronet the Member for the University of Oxford, who professed such zeal for the Protestant religion, would have taken the just and proper course of calling the attention of the Church at large to that gross abuse of its functions, instead of by a dexterous move diverting public consideration from the real sore, namely, the treachery within the walls of that Church, and concentrating it upon the religious houses belonging to the Roman Catholics. He (Mr. Phinn) held in his hand a pamphlet in the shape of a letter, written by the Rev. Mr. Cookesley, a gentleman of great eminence, whose name could only be mentioned with feelings of respect, to the Archbishop of Dublin, and inveighing against the system practised in a Protestant convent, in which the sister of a gentleman who was confined there was commanded by the Rev. Mr. Prynne to lie down flat on the floor, and, with her tongue in the dirt, describe the figure of a cross. He mentioned that to show the House that much of the irritation to which the hon. Baronet (Sir Robert Inglis) referred, had originated with the existence of such an institution as that within the walls of the Church, and which institution had been most dexterously diverted from its original purpose. There was another establishment, known as the Agapemone, or the Abode of Love, situated near Taunton, which he mentioned for this reason, that the only instance of restriction or imprisonment in conventual establishments he had heard of occurred there, in the case of an inmate who had escaped. It was an institution into which married persons were received, he did not exactly know under what conditions, and the person who had escaped was a husband. But it had been said that, reasoning *à priori*, when they found persons in a state of passive obedience to a superior, abuses and restrictions upon personal liberty might occur, which it was the duty of the Legislature to prevent. But was it likely, without some ulterior motive, that those who lived together in the conventual state would join to compel a person to remain among them whose presence must be a continual sore to them, and who must, under such circumstances, of necessity make herself disagreeable to all the inmates of so limited a community? Such an act could only be done from pure malice, and with the desire of inflicting pain, or with some regard to the subject of property. Then arose the question—was it desirable that some restriction should be imposed on the acquirement of property by the inmates of such establishments? He was inclined to say that when they had a person taking the conventual vow at an early age, and when that vow involved the transfer of the property of such person to the institution, the House was entitled to ask that some such protection should be cast round such a person on entering a convent as was cast round married women when they had to alienate property to their husbands, under the Act for taking the acknowledgment of deeds by married women. The House would allow him now to call their attention to what he thought was the dangerous and unconstitutional character of this Bill, irrespective of any religious or sectarian feelings that might enter into its discussion. The first thing that struck him was the false recital in the preamble of the Bill: "Whereas difficulties had been found to exist in applying for and obtaining the writ of Habeas Corpus in certain cases in which females are supposed to be subject to restraint." Where were those difficulties? Could his hon. and learned Friend turn to a case in any of the works, in which it appeared that any impediment had ever been thrown in the way of obtaining the writ of Habeas Corpus, when the liberty of a female was involved? He might remind the House that the writ of Habeas Corpus was not a writ by statute—it was a writ given by common law, and as old as the constitution itself, though its issue was regulated by certain statutes. By an Act passed in the 26 *Geo.* III., any person who thought another was improperly detained might go before a judge, and upon stating, on his oath, that he was informed and had reason to believe that such person was so improperly detained, might get a writ of Habeas Corpus directed to the person at whose instance the party in question was detained. And, he would ask, were the Roman Catholics of this country so entirely dead to all sense of decency as to allow their sisters, their nieces, and their cousins to be immured in great numbers in a convent, and probably to visit them occasionally—was the House to suppose that there was so little spirit among that part of the community, or that they were so trodden down by their priests, that they would not venture to go to a judge and procure such remedy as the law provided them. To suppose, much less to state, such a thing, was an imposition on the common sense of that House. If the recital in the preamble of the Bill was true, it ought to be proved to be true in the face of the world; and he contended that legislation on a subject of this kind without previous inquiry—without something to satisfy the minds of the people that such evils existed—would be an extraordinary departure from the principle on which the legislation of this country had proceeded for ages past. Again, what was the remedy provided by this Bill? Its real object was never once glanced at in any one of its provisions. What was the proposal? Not that, if they thought a person was improperly immured within a convent, application was to be made on oath for a writ of Habeas Corpus, but this was the extraordinary proposition—"That in any case in which any one of the said Commissioners shall have reasonable ground to suppose that any female is detained in any house or building against her will, he is hereby authorised and required, in company with a justice of the peace of the county in which the said house or building shall be situate (who is hereby required, when called upon, to accompany the said Commissioner) to visit the said house or building, and, if necessary, to make a forcible entry into the same, and to examine every part thereof, and to ask for and obtain from the occupier or occupiers of such house or building a list of all persons then resident therein, or who slept there on any night within seven days next preceding such visit, and to see all and every the inmates, and to examine each, either apart and separate from all others, or otherwise, and ascertain whether any female is detained in the said house or building against her will; and the said Commissioner is hereby authorised to make complaint on behalf of any such female as last aforesaid, and to proceed by writ of Habeas Corpus or otherwise according to law to obtain the liberation of such female: provided always, that such entry shall be made between the hours of eight o'clock in the morning and eight o'clock in the evening." He would venture to say that, of those who had petitioned in favour of the Bill, not one in a hundred had read it. Those persons little knew they were arming the Government with a weapon which might be used with potent effect against the liberties of every individual in this country. Let them see how that provision was to act. By the Habeas Corpus Act there was a short and speedy remedy. The parties to be made the subject of this Bill were not to have the protection which attached in such cases to a statement made on oath before a judge. Any gabbling old woman — any person who detailed the merest gossip of the village—might make a statement to this political officer that there was reason to believe that a woman was confined in a convent against her will. Let the House fancy such a Bill in operation when the recent "No-Popery" cry was raised throughout the country. Why, every nunnery in the land would have been ransacked, and feelings of rancour, animosity, and hostility to the Government would have been excited among the people, which it would have taken years and years to allay. He asserted most strongly, if there was any great practical grievance connected with the conventual establishments of the country, the right of Parliament to legislate upon that grievance; but what he contended was, that, as there was a feeling in the public mind stimulated in the way he had mentioned, before imposing those restrictions it was necessary that some inquiry should take place. The question had been mooted on two occasions recently before the Lord Chancellor of Ireland, whether the law now in existence recognised the civil death of a person who entered a convent; that learned Judge decided that such was not the law; but he had thought it a matter of such delicacy that he had advised an appeal to the House of Lords. He (Mr. Phinn) thought the subject was one for the grave consideration of the House whichever way the law was decided to be. Numerous discussions had been raised as to whether a nun was obliged by her vows to resign all her property to the convent. Whichever way that was decided, it was a matter of grave consideration for the House to establish some certain and definite rule on the subject. The Motion he had to make was—"That it be referred to a Select Committee to consider whether any and what regulations are necessary for the better protection of the inmates of establishments of a conventual nature, and for the prevention of the exercise of undue influence in procuring the alienation of their property." He was bound to say he came to this discussion with opinions somewhat formed on the matter. He had always considered it would be right that certain regulations should be instituted; but he thought it right, at the same time, that they should not be embodied in any Act of Parliament without the most careful investigation of the subject, which should be conducted with delicacy and propriety, and with a due degree of deference to the feelings of the inmates of conventual establishments. What he would suggest was, first, that all vows should be forbidden under the age of twenty-one; secondly, that there should be some such restriction as he had adverted to with respect to the alienation of property by a person in a convent; thirdly, that a provision should be made by which anybody taking the vows might name two persons of her own family, or her own connections, who should be allowed access to her at proper and stated periods, under penalties for any improper use they might make of such a right. He threw those suggestions out to the Roman Catholic Members, and he would ask them whether they were not such as might be fairly and reasonably discussed before a Committee of that House? He made this Motion in the hope of preventing the constant irritation attaching to the discussion of questions of this kind, and which was so well calculated to lower the tone of the debates of that House, an evil which he greatly deprecated. He would refer for a moment to the legislation which had been attempted on this subject. There was the Bill of Mr. Lacy, who sat in the last Parliament; then came the measure of his hon. and learned Friend (Mr. T. Chambers); but he would remind the House that fifty-three years ago, when this country was flooded with Roman Catholic priests, who had fled from the persecutions on the Continent, a Bill was brought into that House to restrict the liberties of persons in conventual establishments, and to subject those establishments to magisterial visitation. That Bill was resisted, as he trusted this would be, by the united strength of the Whig party. Those were days in which the principles—he would not say of toleration, but of civil and religious liberty—were but imperfectly understood, and when the penal laws in force against Roman Catholics were only in the course of relaxation. That Bill passed the House of Commons, but was rejected in the House of Lords, and it was rejected, he was glad to say, on the Motion, not of a person professing extreme Radical opinions, but of an enlightened Christian Prelate; and what the Bishop of Rochester said on that occasion was so apposite to the subject now under discussion, that he could not forbear quoting the right rev. Prelate's very words. The right rev. Prelate said—

"Now, my Lords, if any ten or twenty, or a larger number, of those ladies should choose to take a large house, where they may live together, as they have been used to do, all their lives, and lead their lives according to their old habits—getting up in the morning and retiring at night at stated hours; dining upon fish on some days in the week, and upon eggs on others—I profess I can discover no crime, no harm, no danger, in all this. And I cannot imagine why we should be anxious to prevent it. My Lords, I say it would be great cruelty to attempt to prevent it; for these women could find no comfort in any society but their own, nor in any other way of life. They cannot mix with the lower orders of the people. They are ladies well born, many of them, indeed, of high extraction and of cultivated minds; and yet they are not prepared to mix in politer circles. Enamoured by long habit of the quiet and solitude of their cells—absorbed in the pleasures of what they call 'the interior life,' these women would have no relish for the exterior life of fashionable ladies. My Lords, it would be martyrdom to those retired sober women to be compelled to lay aside the cowl and simple habit of their order, to besmear their cheeks with vermilion, and to plaster their throats with litharge, to clap upon their heads an ugly lump of manufactured hair, in shape and colour as different as possible from the natural covering; and then, with elbows bared to the shoulder, to sally forth to the pleasures of the midnight rout—to distribute the cards at loo, or, soaring to sublimer joys, to rattle the dice-box at the game of hazard. Exquisite, ravishing as these delights must be confessed to be to those who have a well-formed taste, these stupid women, my Lords, have not that taste. . . . . . . My Lords, being put to my shifts, as I mentioned at the beginning, to discover what the friends of this Bill would say for it, I have hearkened out very much to the *pro* and *con* about it in company. One thing I have heard urged in favour of the Bill is this—that the Roman Catholics very much dislike it. They dislike it! *Ergo*, it must be a most delectable Bill. A very pleasant argument, my Lords! Nothing could be more opposite to the general interests of Christianity—nothing more opposite to the interests of the State—nothing more opposite to the interests of the Protestant religion, than any measure that might conduce, as the passing of this Act would conduce, to a revival of the rancour between Protestants and Roman Catholics, which I flatter myself is dying away, if we can but persuade ourselves to let what is well alone."—[*Hansard's Parl. History*, xxxv. 377, 383-84.]

The right rev. Prelate spoke very much the feelings which actuated him (Mr. Phinn) on the present occasion. He was ready to bear his earnest tribute of admiration for the simplicity and innocency of life of ladies in conventual establishments, and for the works of education, charity, and mercy, by which they had always been distinguished; and he was convinced, if any improper restrictions had been imposed on their liberty, that the fathers and brothers of those ladies would have been the foremost to come forward and denounce it, and to do their utmost to subvert and destroy the whole system. For those reasons, he asked the House now to take a middle course, and so prevent the recurrence of those religious discussions which were so much to be deprecated in that House, and put an end for ever to attempts like those which were made to weaken and destroy the religious freedom of the Roman Catholic portion of the community.

MR. I. BUTT said, he rose with great pleasure to second the Amendment, and he trusted the House would bear with him if even at this early stage of the discussion he stated his reasons for taking this course. He must say that he did not concur in all that had fallen from the hon. and learned Member for Bath. Perhaps it was better that it should appear that two Members of that House, differing upon many political subjects, could yet concur in asking the House to reject a Bill which appeared to them a direct violation of the constitution, and a departure from all the principles of freedom upon which, hitherto, British legislation had been founded. He did not take this course from any favour to conventual institutions, nor yet, let him say, from any tenderness towards that religious system of which, exercising his honest judgment, he believed those institutions to be not the least objectionable feature; but because, in order to attain an interference with these institutions the Bill vested in Government officials a power utterly subversive of the free spirit of our law. From the time he had first read this Bill, he entertained insuperable objections to its passing. The Bill in reality having a particular object professed a general one. His hon. Friend the Member for the University of Oxford had found a merit in this. He stated it as a recommendation of the measure, that while it was really aimed at the Roman Catholic convents, it never once mentioned either the Roman Catholic religion, or the existence of convents. Now, he (Mr. Butt) thought this the strongest objection to the Bill. Aiming at regulations intended to affect convents, it proposed enactments that affected the home of every man in the three kingdoms. He must say he did not like this shrinking from the true question. He did not like the proposal to legislate for one thing, while he meant another. Why should they not mention both the Roman Catholic religion and convents too, if these institutions were the true objects of their measure? This mode of legislation was unmanly—he meant no affront to the hon. author of the Bill if he said it was cowardly. If they meant to regulate convents, let them boldly say so; if they meant to suppress them, let them enact it; but let them go straightforward and openly to the point. Why this affectation of not mentioning the Roman Catholic religion? Were they afraid openly to meddle with it? He (Mr. Butt) believed that there was no measure which truth or justice demanded, from the open and direct enactment of which a British Parliament need shrink. If grounds were laid for a measure regulating conventual institutions, they should pass it; if it were right to prohibit their existence, they should do so; but do so by enactment openly avowing the object, and confined to the cases it was intended to meet. These were questions which he thought it altogether unnecessary to discuss. Were he ever so satisfied of the expediency of suppressing or regulating conventual establishments, he would still strenuously resist this Bill. He never would consent, for the sake of attaining the visitation of convents, to establish a universal power of domiciliary inspection; nor would he, to suppress Roman Catholic nunneries, institute a Protestant Inquisition. He earnestly asked the attention of the House to the provisions of the Bill, especially to the question of its principle which arose on the second reading. Its principle was not that nunneries should be inspected or regulated; from the beginning to the end of the Bill no such principle was either affirmed or so much as hinted at. He implored the attention of those Gentlemen who were anxious for measures regulating conventual establishments to this—Let them not vote for the second reading of the Bill under any false impression as to its principle. Its principle was the establishment of a discretionary right of domiciliary inspection over every house in the kingdom in officers of the Crown: this, and this only, would be affirmed by the second reading of the Bill. It was essential this should be understood. They had petitions praying for the passing of this Bill as a Bill for the inspection and the regulation of nunneries. This Bill enacted no such thing. Its provisions did not apply to nunneries—they established no inspection of nunneries. If there were evils in those institutions, the Bill could not touch them. What it did do was this: it gave to political officers the power of entering into every man's house—of dragging from their beds perhaps, the female inmates—of questioning them as to who slept in the house for every night during the week before; and, let hon. Members observe, unless those questions were all answered to the satisfaction of those officers, they would have the power of subjecting the persons they questioned to pains and penalties. On the common principles of freedom, he could never consent to such a Bill. If the hon. Member for Hertford thought it expedient to suppress conventual institutions altogether, he might have introduced a Bill for that purpose, without violating the principle of liberty, or without lowering the whole tone of legislation. Would any man tell him that there existed in anything that had ever been stated a necessity for subjecting the home of every Englishman to a power of inquisitorial visitation such as this? It was a power to be exercised entirely at the discretion of the officials that were armed with it; no sworn information was requisite, no judicial authority was needed. Any man's house might be broken open whenever the Commissioner thought proper to suspect that any female was detained in it against her will, and upon this suspicion the inmates were to be subjected to the inquisitorial questionings to which he had adverted—and the object of all this was to obtain evidence upon which an application was then to be made to a judicial tribunal for a writ of Habeas Corpus. An enactment more completely opposed to the whole spirit of British law, it was difficult to conceive. He (Mr. Butt) must say that he entirely dissented from the exposition of the law by the hon. Baronet the Member for the University of Oxford. He did not believe that the proceeding by Habeas Corpus was such a complete mockery. He had always fancied that he was living in a free country—in a country where no man could be imprisoned illegally without the power of being discharged upon the application of any party to a Judge for a writ of Habeas Corpus. This great protection of our liberties would be a mockery, if the statement of the hon. Baronet were correct, and it could be defeated or baffled by keeping the prisoner in such close durance as to debar all access. His hon. Friend would forgive him for saying that it was a complete mistake, founded on a misapprehension of all the principles which regulated the writ. The Habeas Corpus was not the creature of any statute—it existed by the common law of the land. It was not a writ to be sued out by a private individual to remedy or redress a private wrong. It was what is termed a prerogative writ, issuing on behalf of the Queen—upon the ground that the illegal imprisonment of one of the Queen's subjects was a wrong to Her Majesty, and therefore the Queen had a right to be informed why any one was detained in custody, that Her Judges might determine whether it was illegal. It was the duty of the Queen's Courts to issue that writ, on behalf of the Sovereign, whenever they had judicial reason to believe that any person was illegally detained in custody. In the exercise of their discretion, they might, indeed, refuse to interpose the Royal prerogative in a case where the party alleged to be imprisoned had full opportunity of complaining, and made no complaint. Why? Because this very fact, at once raised the presumption that there was no imprisonment at all. But he confidently denied that ever the writ of Habeas Corpus had been refused, or that it would be refused in a case where the closeness of the imprisonment made it impossible to obtain access to the individual alleged to be wrongfully detained. He denied that under such circumstances the authority of the person imprisoned was necessary to sustain the application of the writ. But if it were so—if they were living in a country in which any man might be imprisoned without remedy—if only his gaoler kept him close enough—if for centuries the laws of England had provided no remedy for the very imprisonment which most of all needed it:—if this were the law—which he confidently denied—surely the remedy would be to alter the law as to this, and not to give, as this Bill proposed, an arbitrary power to a Commissioner of breaking open the doors of every man's house, where he suspected a female to be illegally detained, in order that he might then obtain her consent to the application for a Habeas Corpus on her behalf. Regarding this Bill as a measure of general application, it was one which it was utterly impossible for that House ever to pass, even for the sake of including convents in its operation. But if they acepted not the provisions of the Bill itself, but the statements of its supporters — if they treated this Bill only as one aimed against those convents, let them look to the position in which they were placed. The only argument upon which the Bill was founded was this—that there were vows taken by persons in those establishments who could not be considered free agents after they had bound themselves by these vows. Well! if that was an evil, neither the Habeas Corpus nor this Bill could remedy it. There were instances in which fathers had applied for writs of Habeas Corpus under cruel circumstances, which were thereupon granted. But when their daughters were brought before the Judge, they said they wished to return to their former custody, and not to go home with their parents. The Judge in those cases was compelled to acquiesce in their wishes, and to let them return whence they came. Suppose the whole machinery of this Bill put in force—the doors of the convent broken open—the nun dragged before the commissioner, in cases where she remained a prisoner under the influence of moral compulsion—this was the alleged evil—what would be her reply under that compulsion? She would still say she desired to remain in the convent. What, then, had they gained? When they had violated the sanctity of a home, when they had authorised commissioners to institute those inquiries, and visited with the penalties of an inquisition those who refused to answer their questions, they would find that their legislation was only a mockery, and that they had succeeded in attaining no other object than that of insulting the feelings of Roman Catholics. The real evils that might exist in the conventual system—the permission of rash, and it might be premature, vows—the coercion of the will and conscience under the influence of those vows—the secrecy and terror of the discipline by which that coercion might be carried out—with none of these things this Bill attempted to interfere. It was a needless and a useless insult to the feelings of the ladies who were the inmates of these institutions, and to those of their relatives outside their walls. This was a case in which he was not ashamed to say the opinions of those relatives ought in his mind to be almost conclusive. This Bill was not proposed in any way to protect Protestant rights. He threw out of consideration the case of Protestant convents, of which they had heard; the measure professed to protect Roman Catholic liberties. If they said that Roman Catholic ladies were confined contrary to their will, surely that was a question upon which, above all others, they should consult the opinion of the Roman Catholic laity. If, indeed, it were a question affecting Protestant rights—if they came forward and said that those establishments were dangerous to the institutions of the country—he thought that that was a matter in respect to which Protestant opinion might be more valuable than that of Roman Catholics. This was not the case. They asserted that Roman Catholic women were confined in convents against their own will or the will of their relatives; then he said that they were bound to consult the opinions of those relatives, and their petitions against the Bill were overwhelming! He attached to this view of the question the very highest importance. He viewed with the deepest apprehensions the effect which such insulting legislation would produce on the feelings of the Roman Catholic laity. The habits of his life in Ireland had thrown him into intercourse with many Irish Roman Catholic gentlemen, who, he believed, were as liberal, as highminded, and as independent a class as any other in the world. He (Mr. Butt) observed, that of these, many who had never joined in any priestly or sectarian agitation, had come forward to oppose this Bill. Such demonstrations must have their weight. He must not be misunderstood. He was not seeking any popularity with any Roman Catholic party in that House or in the country. No man in that House was more determined to resist Roman Catholic aggression than he was. Nay, more, he believed that doctrines and principles were gaining ascendancy in the Roman Catholic Church that might soon involve them in a contest for the great principles of civil and religious liberty. But the more he anticipated that contest, the more anxious he felt that they should go into it with the cause of Protestantism entirely in the right. He was convinced, that if they passed this Bill, they would, as far as they could, place that cause entirely in the wrong. The more convinced he was that intolerant principles were making way in the Roman Catholic Church, the more he thought that no greater calamity could occur to the cause of religious freedom than that this Protestant country should adopt a system of legislation which would have the effect of driving the intelligent Roman Catholics to make common cause, he would not say with bigotry, but with what, to avoid offence, he would call the High Church party in the Roman Catholic Church. But, totally independent of considerations of this character, he never could reconcile himself upon the broad ground of constitutional liberty to an enactment like this. This was a general Bill giving a Commissioner appointed by the Crown the power of invading any man's house. He would put it to every Protestant in that House—throwing over any considerations as to the distinction of Roman Catholics or Protestants—whether it was consistent with the principle of liberty upon which all our laws were framed, that they should give this power to any official appointed by the Crown? It ought not to reconcile them to this violation of constitutional principle, even if they believed that it might remedy evils that existed in conventual institutions. He would appeal to those who thought that the existence of Roman Catholic institutions was mischievous to the country. He would tell them that there was one mischief which would be by far the worst of all, which the prevalence of the Roman Catholic system would cause—the deepest and heaviest evil that could be inflicted by it upon England would be this—if the presence of the Roman Catholic religion in this land were to induce them to lower the high tone and spirit of freedom in their legislation, for the purpose of meeting real or fancied evils in that system—if arbitrary laws were to be tolerated for the whole of this Protestant nation upon the plea that they were necessary to control Roman Catholic abuse. Viewing this as a measure to authorise the forcible breaking open of every man's house at the discretion of Government officials, he thought it would place in the hands of the Crown a power that was never before given since British freedom had been established. It was recognising a principle that was in utter violation of the good old maxim, that every man's house was his castle. He was one who believed that there was much in these old maxims which even in the present march of intellect ought not to be despised. Those maxims put into compact shape and form those very principles of liberty which had formed the character of the people. Whether he regarded the measure as intended only to affect nunneries, or a general measure of legislation, his objection to the Bill was equally strong. At the same time he was perfectly prepared most resolutely to assert that Parliament had a right to control and superintend all associations in the country, whether voluntary or otherwise. He was therefore perfectly ready to vote for an inquiry into the whole question of the conventual system as it existed in this country. He did not vote for that inquiry only as a means of defeating the Bill. He would have supported it if it had been brought forward as a separate and substantive Motion, as he would unquestionably meet the Bill with a direct negative even if its second reading were the only question before the House. With these views and feelings he begged leave to second the Amendment proposed by the hon. Member for Bath.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it be referred to a Select Committee to consider whether any and what regulations are necessary for the better protection of the Inmates of Establishments of a conventual nature, and for the prevention of the exercise of undue influence in procuring the alienation of their property'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FAGAN said, he regretted that a measure so offensive to the feelings of the religious community to which he belonged, should have been referred to the representatives of the people. He could only account for it by remembering that the people of this country had had their morbid feelings against Roman Catholics lately excited by the doctrine recently promulgated by a high authority in that House, that the Roman Catholic religion—which was professed by one-third of Her Majesty's subjects, and by upwards of 200,000,000 of the human race, and which taught the doctrines of their common Christianity—was a mere political system. While giving credit for good intentions to both—the hon. Baronet who had moved the second reading of the Bill, and the hon. and learned Gentleman who had moved the Amendment—he had an objection to both propositions. He himself had the honour of being a Roman Catholic, and he must beg to deny the imputation cast upon the Roman Catholic ladies in the conventual establishments, that they had not sufficient spirit to resist coercion on the part of the persons who had the control of those establishments. A demand for inquiry necessarily implied that there was a case which required it, and he would ask who were the persons against whom it was proposed to institute that inquiry? With regard to the benefits conferred by these institutions, the large body of the poorer Roman Catholics derived their education from that source. There were two orders into which these establishments might be divided—the contemplative and the active order. The contemplative order spent part of their time in meditation and prayer, but at the same time a great deal was employed in the work of education. Nearly every Roman Catholic family in these dominions had received their education and religious principles through the instrumentality of these convents. With regard to the active order, there was not a man, he believed, in that House, or in the whole community, who would say a single word against it now, for even during the wildest periods of the French Revolution the Sisters of Charity and of Mercy were held in universal respect and veneration. He would ask those who inquired as to the services performed by the ladies belonging to these establishments to go into the lanes and dens of their cities, and into their hospitals, too, and they would find these ladies pouring consolation and hope into the ear of the dying, and relieving their physical sufferings at the same time. Yet these were the ladies into whose lives, character or proceedings the hon. and learned Member for Bath (Mr. Phinn) proposed a Committee of Inquiry—an inquiry that would break in upon the sanctity of private life, for he maintained that these ladies, though associated together, were still private individuals dwelling in their own private houses. He believed that the hon. and learned Member had with the best intention suggested a middle course for adoption; but so far as the opinion of the great majority of the people of this country was concerned, that proposition was as offensive to their religious feelings, and as offensive to their principle of honour, as even the Bill now before the House; and after the speech which he had just heard, it was hardly necessary for him (Mr. Fagan) to express how deep were the feelings of abhorrence with which he viewed the proposition. With regard to the Bill of the hon. and learned Member for Hertford (Mr. T. Chambers), he contended that he had made out no case in its favour. The hon. and learned Gentleman referred to the canons of the Roman Catholic Church, and said those canons denounced any nun who left her convent; that Roman Catholic writers poured anathemas and imprecations on all who did so, and therefore he argued persons must be kept in nunneries against their wills. But the hon. and learned Gentleman ought to know there was a general rule in every convent, that a discontented nun must be dismissed. Dr. Ullathorne, who was more intimately acquainted with the subject than any other man, stated, that during a long life he only knew of one such case, and that was the case of a nun dismissed because she was discontented, though the inmates forming the community were mainly dependent on the fortune which she had brought with her for their support. The truth of the matter was, there were so many checks, and guards, and provisions with reference to admission to these institutions, that it was not to say probable, but scarcely possible, that there should exist discontented persons in them, at least in this country. He admitted that in other countries, considering that many of these institutions had lasted for 1,000 years, there might have been abuses in them, and consequent discontent; but in England and Ireland his honest and sincere conviction was, that there did not exist such a thing as a nun having a particle of discontent about her. The great majority of these religious ladies were, generally speaking, educated in these convents from early life, and their tempers, and dispositions, and aptitude for a religious life were well known. They were mostly ladies of the higher class among Roman Catholics, and, on leaving the convents, were naturally led to mix in the world along with their families. When it happened that they became disgusted with the world, they naturally felt a desire to return to the convent in which they had received their education. Their inclinations, generally speaking, were resisted by their parents, who wished to retain their society, and often long and painful struggles were the consequence; but in the end the consent of their relatives was usually obtained. For six months the young lady became a postulant, and then, if she had an aptitude for a religious life, she was admitted to the novitiate. During these preliminary stages the candidate was carefully observed by the other inmates, for each of them had a self-interest in the matter, it being for the peace, and comfort, and harmony of the establishment that the nun who was to be admitted should have all proper qualifications. It was hardly possible, therefore, that a discontented person could be admitted. After a year, and in some cases two years, had passed, a ballot, an absolute and secret ballot, was taken of every individual member of the community on the admission or rejection of the candidate, and many heart-rending scenes had been witnessed when a lady, by the exercise of the ballot, was found to be excluded. Now, if such was the general rule at all these establishments, was it likely that anything like discontent prevailed in the mind of one single individual among the 3,000 nuns who were in this country? But supposing discontent did exist, it had been clearly shown that there was sufficient provision in the laws as they stood to protect and release the discontented individual. He could not but think that this movement against convents was made with a view to pander to the animosity and hatred entertained against Roman Catholics. Was it not unfortunate that this unhappy feeling of hostility should exist among us? He believed in his heart and conscience that they never would have passed the Ecclesiastical Titles Bill but for the differences existing in the Protestant Church itself. It was because of the differences between high and low Church that this hatred and animosity of the Catholics was felt. It was said, they had been playing in their Protestant Church at what the hon. and learned Member for Bath called Catholicism. He denied that they had been playing at Catholicism. There was nothing of the spirit of the Catholic religion in the Puseyism that existed in the Protestant Church; but they believed it nevertheless, and hence the animosity which prevailed against the Catholics. Because some of their learned men, too, had gone over to the Church of Rome, an impression had gone forth that there was Catholicism in the bosom of the Protestant Church; and because some Protestant ladies had thought fit—though the Protestant religion was not suited for such institutions—to associate themselves together in convents, a strong prejudice had been excited against the Catholic religion, and it had broken out into hostility to the convents of the Catholic Church. Probably they thought that by their legislation they would frighten away these peaceful ladies from the establishments to which they belonged. True, they looked upon it as persecution; even the agitation and discussion of this question they regarded as persecution; but they would not be frightened from their duty. The more they were persecuted the more firm they would be, and the more they would extend themselves, and be as it were shining lights in the moral desert around them. He was anxious to know what position the Government would take up with reference to this proposition for an inquisitorial inquiry into the character and pursuits of the saintly inmates of these establishments. The noble Lord the leader of the Government in that House, made an able speech on the first reading of the Bill —a speech worthy of the olden time when he had the countenance of the Catholic people of this country; but since that time he had come down to the House, and told the Roman Catholics that theirs was a mere political system under a foreign Sovereign, and that they could not be loyal subjects. With these sentiments he could hardly hope that they would have the honest support of the noble Lord in opposition to the appointment of this Committee. Some of the Colleagues of the noble Lord were said to have expressed themselves favourable to the inquiry, and, therefore, he feared there would not be manifested any strong opposition to such a proposal on the part of the Government. But, however that might be, he hoped the Irish Members would show a serrated front in resisting this uncalled-for, this unjust, and most insulting inquiry.

MR. NAPIER said, that he had entertained the hope that all sides would have accepted the Amendment of the hon. and learned Member for Bath (Mr. Phinn), and have consented to an inquiry, with the view of meeting evils which he deemed to be of a grave character, and involving very difficult and delicate subjects. But, as they were now told that the Amendment was not to be accepted by a certain portion of the House, he was anxious to state the grounds upon which he should give his support to that Amendment; and in doing this, he must say that he could not concur in the criticism of the hon. and learned Gentleman near him (Mr. Butt) that the Bill under consideration was either cowardly or unmanly. In his opinion, the hon. and learned Member for Hertford (Mr. T. Chambers) stated his case with clearness and candour when he introduced the Bill; and this he said, although he (Mr. Napier) did not on that occasion give his vote either for or against the measure. His objection to the Bill was, that it would be utterly inadequate to meet the evil that it professed to deal with. He had also great objections to some of its details; but his main objection was that it was inadequate to meet the evil—that it did not touch the most important part of the question, namely, the free distribution of property, and that the system of inspection proposed would not be any safeguard with reference to cases where personal liberty was interfered with. At the same time he admitted that the existing provisions of the Habeas Corpus Act did not meet what he considered to be the evil; because the provisions of that Act required that application should be made by or on behalf of the person detained. It must be shown that the person was detained against her will; and though there might be a moral conviction that a person was detained in a convent against her will, it would not be enough to put that moral conviction in the shape of an affidavit, and then proceed to move in Court for a writ of Habeas Corpus. So that while he concurred with the hon. and learned Member for Bath that there was an admitted grievance that required some remedy and correction—that the existing law did not meet the evil and grievance—yet he did not think the provisions of the Bill would furnish that remedy and corrective. They were bound, therefore, to approach this question with the utmost care and deliberation, in considering if it were possible for legislation to cure the evil; and he, for one, was prepared to go into a fair, a candid, and an impartial investigation of the question. But with regard to that part of the subject to which the hon. and learned Member for Bath had directed his attention—the free distribution of property—he must say that ever since the case of "Fulham and Macarthy," in which he had the honour of appearing as counsel in the House of Lords, he had thought it absolutely necessary that steps should be taken for preventing the exercise of coercion and restraint in the disposition of property. Looking at the character of the vows which were taken by the inmates of a convent—seeing that they were irrevocable — that they bound the free will and the disposition of the property of the person making them—that they were of such a nature that a bishop could not dispense with them—that the person making them withdrew herself from the control of the law—then he must say that there was not that protection and safeguard which all the Queen's subjects had a right to enjoy under the constitution of this country. It was no longer a question of invading religious liberty: it became a question of defending civil freedom; and if such a system came into conflict with the constitution of the country, then, in the words of the noble Lord the Member for London, when he made his remarkable speech upon bringing in the Ecclesiastical Titles Bill, they must choose between them, for both could not exist together. Now the duty of that House was to consider these two propositions, namely—the justice of protecting every subject of this realm in the free exercise of personal liberty and the free distribution of property, and the policy of resisting the monastic system in its efforts to withdraw persons and property from the control of the law, and to set up in this country an authority which was not recognised by the law. It had been very properly asked what were the facts on which the necessity for a measure of some kind or other was grounded, and he would, therefore, give one or two which he thought of some importance in considering the question. The first was a case brought before the Court of Exchequer in Ireland—that of "Whyte *v.* Meade and others," and the facts were fully stated in the judgment of Baron Pennefather, as follows:—

"In the year 1825 this young woman, the plaintiff in this cause, entered into the establishment of the defendants as a lodger, and unquestionably not as a person who had irrevocably bound herself to take the veil. That this was so is quite manifest, independent of the express evidence of what was stipulated at the time she entered the convent. And what is that which was so stipulated, and which ought to be done without express arrangement? Namely, that she was not to be professed until she attained the age of 21; nor even then without communicating with her friends. That is the evidence of one of the witnesses (Mr. Henry). It is not denied, nor can there be a doubt thrown upon it. Under that stipulation she entered the convent; and it was further agreed that she was to pay 40*l.* a year until she took the veil, and 600*l.* afterwards, the defendants having no pretence to claim the 600*l.* until she took the veil. When the case, therefore, is put upon contract, there is no foundation for it; the contract was violated in every material point by the defendants, because the plaintiff took the veil, and we must suppose by the influence of the defendants, while she was under age—contrary to the duty of the defendants, even without any agreement upon the subject, but also in direct violation of the express agreement they entered into with the plaintiff and her friends. In February, 1827, she remains under the same influence, it must be supposed—which, give me leave to say, is incontestably proved by her having taken the veil—and so she continues till 1829, when she becomes unwell. Her brother-in-law is denied access to her; her sister is allowed to see her, but never without a member of the convent being present; and in such circumstances as these she transfers 1,100*l.* to the defendants, and the whole of her real estate, with the exception of some small portion of it, which she gave to her relations. Can it be seriously said, that a transaction like this ought to stand? That a deed executed by a person placed at a convent, like this person—placed in a situation where that undue influence is more likely to be exercised than any other which courts of equity should interfere to prevent; and shall it not be presumed, beyond almost a doubt so strong as not to be rebutted, that the documents in question were executed by the plaintiff under undue influence? But that was not all. The deed was got up by Mr. Dolan, the professional friend of the convent, without the presence of any professional friend, or of any friend at all, of the infant; and this gentleman takes upon himself to swear that these ladies are so incapable of erring, that all this young woman has done was done without the slightest influence having been exercised over her—the spontaneous effusion of her own mind! When we find him thus volunteering to swear what the Searcher of Hearts alone could tell, is it not plain that he gave his heart and mind, not to the unfortunate victim upon whom he was about to practise as far as he was able, but to the defendants in this cause? He is not called upon to say whether the deed was technical or not, or whether counsel saw it; we do not want to know what the plaintiff said to him; what we seek to know is this—if she had an intention to make this disposition of her property, how was it produced? And no man can doubt that it was produced by the influence of these ladies over a young person secluded from every friend; her nearest relatives excluded from her. Can we hesitate for one moment to believe that the intention was produced by an exercise of influence on the part of those who ought not to be engaged in secular pursuits, but ought to have been devoted to the instruction of the plaintiff's mind? Upon the whole, we think, without any doubt, that we ought to decree a reconveyance of these premises, and the account sought for by the Bill."

Mr. Napier

The next case to which he would refer was the remarkable one of "Fulham and Macarthy," in which eminent Roman Catholic counsel were employed on both sides. They examined the Roman Catholic bishop, Dr. Murphy, and the superior of the convent; therefore we might expect to have all the evidence favourable to those institutions fully brought out. Dr. Murphy, the Roman Catholic Bishop of Cork, said that—

"The said Maria and Catherine are professed nuns, according to the rules, regulations, and canons of the Roman Catholic Church."

Dr. Murphy proceeded to say:—

"I say that if they were inclined to dispose of their properties in favour of their relations or civil friends, they would not have power to do so, consistently with the laws or rules of the community, which alone prevent them."

The following extract from the evidence of Jane Macarthy showed the state of mind in which her sister was when she signed the deed which was the subject of the suit:—

"Defendant Jane saith, that the said Maria told her that she, the said Maria, wept most bitterly the whole night previously to her signing the said deed, and that no member of the family had half the affection she felt for her brothers and sisters, but that, having made vows, she could not express what her real and unbiassed wishes were; and her hands were so completely tied up by her vows, that were even a brother or sister dying of starvation, and that if a loaf of bread could save them, she could not give it without the permission of her superioress."

The Rev. Mr. Mathew, the superior of the convent, gave the following evidence:—

> "I have full experience and knowledge of the rules of the said institution, and of other similar institutions, in Ireland as elsewhere. There is a vow of religious poverty, or, in other words, that there is nothing over which she can have dominion, taken by ladies becoming members of the said institution or of similar institutions. Any property to which a nun may become entitled, the individual has no control over it, and such is the well-known and understood effect and result of such vow. The Roman Catholic bishop of the diocese, in his capacity of such bishop or superior of any convent, according to the usages and discipline of the Roman Catholic Church and such institutions, has no right, power, or authority, to dispense with the vow of poverty—a vow taken upon her profession by every member of such community. The Church of Rome reserves that power to itself with regard to dispensing with any solemn vow."

Now, take the case of a young woman who might, under the influence of religious fervour, have taken these vows and given up her property, but who, on arriving at years of discretion, might wish to resume the power she had parted with over her own person and property: was the constitution of the country to stand by and refuse to relieve her from her rash and immature engagements? The taking of monastic vows was hostile to the constitution of the country. No man in this country was free to be a slave. That was the principle of the law. Mrs. M'Morrogh, the sister of the nuns, gave this evidence:—

> "I say that my sister Catherine, previous to her signing the deed in favour of the convent, told me in the presence of the said Maria, and of the said Jane, and Alexander (my brother), that if she was obliged to sign a deed it would be like the act of a dead person, and that she would have no more power over her will or act than a dead person would have; in fact, that it would be as if a pen were held in the hand of a dead person, and that it was out of her power to avoid signing the deed in consequence of the strictness of her vow, the operation of which upon her she complained of, or likened to the effect of a presentation of a pistol by a highwayman about to rob another."

Mr. Nelson Macarthy, brother of the nuns, said—

> "His sister Catherine told him she feared she would be obliged to sign the deed, in compliance with her vows, and that we had no idea of the mental training that they went through, and that she would be obliged to state that her acts were free and voluntary; and that everything done by her as a *réligieuse* must be done cheerfully and freely, otherwise it would be deemed and considered that she had broken her vows. He saw her after she had signed the deed. She said, 'a pen might as well have been put into the hands of a corpse as into hers when she signed the deed, as she knew she came to do an act contrary to her conscience, and let the sin be upon those who caused her to do so.'"

The present Lord Chancellor of Ireland, in giving his judgment upon the case, said—

> "It appears by the evidence that the society is so framed that the members of it are bound by the vows they have taken on themselves, and the construction of those vows is declared by the society to be that its members are no longer, from the moment of taking them, free agents in the distribution of their property. They are enslaved to the rules and regulations of the community which they have joined, and are without the possibility of relieving themselves by any act of volition from their vow. Whatever be their condition in society, whatever their connexions with others—whatever their relations in life—regardless of every obligation of nature and society—they must adhere to these vows. Whether they be isolated individuals or members of a family, whether they be persons having no ties of kindred to bind them to the world, no objects to attach their feelings, to claim their affection and bounty, and entitled to their care, or whether they be the reverse of this, and having the nearest ties of blood—even children (for widows, after they have become such, may enter these communities), or, at least, relatives in the next degree of kindred—yet it makes no difference. By the rules of the institution they must cast all such considerations to the winds; and, willing or unwilling, freely offering it or not, of their own accord or under coercion of their vow, they must devote all their property to the benefit of the community, and execute deeds to transfer it. On such considerations I can well understand and perfectly concur in the policy of the ancient law which placed persons thus circumstanced in the position of civil death. No difficulty, such as I have referred to, then occurred. The law made the system harmonious and complete. They were left separated from the world to pursue the dictates of their consciences, and follow the line of life which they had chosen; but they were not placed in this dreadful position of being forced to tear their property from the persons whom they were most bound to regard and provide for, and to give it to the members of a community for whom they might have no personal regard whatsoever."

His Lordship having ordered an issue to go to a jury to inquire whether the deed had been executed freely or not, and counsel for the parties to whom the deed was made by the nuns having declined that alternative, the case then went before the House of Lords. The case taken to the House of Lords was signed by Sir Colman O'Loghlen and Mr. Kirwan, who interpreted the vow of poverty to mean that the professed nun renounced all claim to and dominion over property, or power to dispose of such property; and that by the vow of obedience, the nun surrendered all exercise of her own free will to the superiors of the convent, and became actually subject to their control; and amongst their reasons for supporting the decree of the Chancellor, they said, because it was contrary to public policy that any person should be permitted to be bound by vows to the disposition of property at the will of a superior, without regard to the moral or civil rights and duties of such person. Now, the cases he (Mr. Napier) adverted to showed distinctly that the parties were bound by vows that took away their own free will and responsible agency, and did not allow them to deal with their own property in the way provided by the laws of the country, and that it was therefore the duty of the Legislature to devise some remedy for this evil. This he knew to be the opinion of several Roman Catholics themselves. When in Ireland he had been spoken to by many Roman Catholic members of the bar, and although they were all against the inspection of convents, without a single exception they spoke of the necessity of some provision with regard to the distribution of property. One and all said it was absolutely necessary that something should be done. He willingly admitted that it was not within the province of legislation to interfere with matters where religious views and opinions were concerned. To grapple with such questions the best weapon was the power of truth, argument, and the Word of God. But when the polity of religion came to deal with personal liberty and the free distribution of property, he held that it became a temporal question, involving acts of aggression on civil freedom, and that the law should be made to provide a remedy, and throw a protection around the inmates of those conventual establishments. It would be a question how to get at them, in consequence of the privacy and seclusion which were the very essence of those places. This was one great difficulty. There was another difficulty, and it was this: a Court of Equity might interpose in a case where the relations of superior and of nun were recognised by the law; but the misfortune was that they were not recognised by the law; and this was, perhaps, the greatest difficulty in the question. Another matter complicated the controversy still further. Under the old law in this country, and, also, under the canon law which prevailed in other countries, the doctrine of civil death in the case of nuns applied. The effect of that doctrine was that they could no longer acquire or transmit property. The Lord Chancellor said the other day that before the Reformation those persons were considered as dead in law, and were treated as such in regard to property, their heirs at law entering into possession of their property even during their lifetime. After adverting to other matters in reference to the Roman Catholic Emancipation Act, the Lord Chancellor —and in that he differed from the hon. and learned Member for Bath—said that this Act prohibited things which were previously illegal by setting a penalty upon them. The monastic institutions were certainly the sources of influence as regarded property, as well as the depositories of power derived from that influence. Suppose they were to be studded all over the land, what would be the consequence? The Queen's subjects might then be bound by vows to surrender their liberty and their property. That would be a state of things that would call for a remedy. He (Mr. Napier) admitted the question was a painful and unpleasant question, and that the remedy was moreover a most difficult one; but when it came before that House, which represented the good sense, the intelligence, the justice, and the good feeling of the country, they were bound to apply themselves to its solution. He had no doubt that the subject would raise all the evil feelings of the nation; but the only question for that House to consider was, how it could best be dealt with. It was found that a number of institutions existed, which involved vows on the part of those who belonged to them, which vows directly interfered with liberty of person and the freedom of property on the part of Her Majesty's subjects, and which were therefore based on principles totally irreconcilable with the spirit of the constitution of this country. Parliament was consequently, in the discharge of its duty, obliged to discover a remedy for such a condition of things. The Amendment of the hon. and learned Member for Bath admitted the existence of the evil: he (Mr. Napier) admitted it also, and desired, with that hon. and learned Gentleman, a free and unfettered inquiry. He could not believe that the inspection proposed by the Bill would produce the effects as regarded personal freedom which were attributed to it; while, on the other hand, he was satisfied that the annoyance and uneasiness it would cause would counterbalance the good intended to flow from it. The question involved was a very large one—the increase of the monastic institutions of the country; and as that question would be best solved by inquiry, he should therefore support the Amendment.

Mr. I. BUTT said, that he did not mean to apply the words "cowardly and unmanly course of legislation" to the introducers of this Bill, but to the character of the Bill itself, which, while its object was to regulate convents, did not do so directly, but by implication.

Lord JOHN RUSSELL: Sir, I own I regret that this question does not come before the House simply in the form in which the hon. and learned Gentleman who introduced the Bill at first placed it. The Bill itself appears to me to admit of hon. Members easily making up their minds with regard to the course they shall pursue. For my part, I must confess that I agree with the statement made by the hon. and learned Member who moved the Amendment, and the hon. and learned Member who seconded it, and who used most powerful arguments against the provisions of this Bill. In the first place, I am somewhat surprised to find my hon. Friend the Member for the University of Oxford (Sir R. H. Inglis) endeavouring to prove that the Habeas Corpus Act, which has been the security of the personal liberty of the subject for upwards of 170 years, is an Act which provides in no way for the liberty of the subject; that it is totally inefficient in its provisions, and that, unless we adopt the Bill now before the House, we have no security for personal liberty whatever. In the next place, I own I consider that the Bill should state in its preamble some real case on which it is founded; whereas I find in the preamble of this Bill nothing but allegations which appear to me totally destitute of truth. But when I come to the remedy provided by this Bill, I own I should be much astonished if the House were ever to consent to the passing of such a measure. It does not, indeed, empower the Secretary of State to name persons who shall visit those convents; but it does empower the Lord Chancellor—who, besides being a great Judge, is likewise a Member of the Executive Government—to name Commissioners; and any one of those Commissioners, on seeing reasonable ground to suppose that any female is detained in any house or building against her will, is empowered and required, with the assistance of the justices of the peace, to make forcible entrance into such a building. I ask, if you pass this Bill, where is the safety of our houses after such a provision? I speak not now of convents, or of detention in convents; but, I say, what oppression may be exercised if a Commissioner named by the Lord Chancellor—and we know not what Lord Chancellor we may have—is to be empowered, and even required, to break into any house in which he has, not on any affidavit, not on the testimony of any witnesses examined on oath, but on what, in his own mind, he considers reasonable ground to suppose that a female is detained against her will. I have no doubt that, putting aside altogether this question of convents, there are at the present moment, and indeed at all times in this country, some houses—private houses—where there may be persons who, others might say, were detained against their will. But at no time has the Legislature thought fit to set aside that general rule of law, that sacred part of the constitution, which protects the private houses of Englishmen, and which is embodied in the common phrase "that every Englishman's house is his castle." To endeavour to provide, as is proposed by this Bill, for these chance or accidental cases, would be, by way of endeavouring to secure the liberty of the subject, to set up a tyranny. I therefore, for these reasons, could have no hesitation in voting against the second reading of this Bill. I believe that during my time cases of abuse, both in prisons and elsewhere, have been discovered; but I cannot tax my memory with the recollection of any case where the alleged or proved case of a person's being detained against his will, was the insufficiency of the Habeas Corpus Act for the protection of the liberty of the subject. I am, therefore, still for remaining under the protection of that Act. It was framed by the wisdom and skill of one of the greatest men who ever took part in the administration of the law, or in the legislation of this country, and it was assented to by the Parliament of Charles II., in order to the protection of the liberty of the subject. No doubt in subsequent times amendments have been made in some small particulars, but the great provisions of that Act have remained to posterity, and every writer on this subject has done justice, both to the skill of the person who framed it, and the patriotism of the Parliament who enacted it. But we now come to another question, which I am very sorry has been introduced by the hon. and learned Member for Bath (Mr. Phinn) in the shape of an Amendment. The hon. and learned Member, I think, argued most ably and most successfully against this Bill; and if he had moved that this Bill should be read a second time this day six months, I should gladly, without taking any part in the debate, have followed him into the lobby, to throw out this measure. But, instead of taking that course, the hon. and learned Member has raised other questions, and, as I think, without showing for this course such conclusive reasons as he did with respect to the Bill. He has moved that a Select Committee should be appointed. Now, this Select Committee is to investigate two points. The first point for them to inquire into is, as to whether any, and if so what, regulations are necessary for the better protection of the inmates of establishments of a conventual nature, which appears again to raise the whole question of this Bill; and I cannot say that, without some proof—without some circumstances shown to the House, we ought to enter into an inquiry before a Select Committee as to the necessity for protecting the inmates of these conventual establishments. The hon. and learned Gentleman says that they are not made lawful by the Roman Catholic Emancipation Act. But at the same time it cannot be denied that, if not positively sanctioned, they are recognised by the law as actually existing institutions. The clause is a very short one. It enacts, after making various provisions against Jesuits and other monastic orders—

> "Provided that nothing so enacted shall be considered, or made to extend to, or to affect any religious order or community consisting of females bound by religious or monastic vows."

I quite admit that the law takes no notice of these monastic vows or rules, or of the regulations of these establishments. At the same time it cannot be denied, on the other hand, that they are recognised as existing establishments; and it appears to me that you should have very good grounds to show that the females in these establishments are kept against their will, before you have any inquiry respecting them. One of the objections against the proposed Bill—the alarm that it will excite amongst the inmates of these establishments and these convents—will apply at least as forcibly to the proposal for an inquiry. I only ask you to consider what apprehension will be felt if the inmates of these establishments are to be brought up for examination before a Select Committee. I therefore say that, without some very strong case—a case which I have not heard attempted to be made out with respect to the restrictions that are placed on liberty in these establishments—I cannot agree to the appointment of a Committee for this purpose. Only observe how vague are the allegations on this subject. A very revered friend of mine, for whom I have the greatest respect, was supposed, when we had the last discussion on this subject, to have stated something or other rather confirming the prevalent rumour that females were detained in these houses against their will. But I saw the other day, in a newspaper, an account, professing to be under his own hand, and certainly appearing to be his own statement of what really occurred: he said that when he was out walking a female accosted him, said she was the mother of a young girl who was detained in one of these convents, and asked him if he could procure her redress; that he desired her to apply to the late Roman Catholic Archbishop of Dublin, Dr. Murray; that she then left him; that he did not know who she was, or what was her name; and that it appeared afterwards that she did not mean to apply to him, but took him for another person; and that of what became of the case he knew nothing. The whole affair might have been a mistake; she might have been a person out of her mind, or a person entertaining groundless suspicions. In short, it was one of those cases of which nothing can be made—which begins in a mere apprehension, and cannot be the ground of any sort of inquiry. I own, indeed, that other cases of which I have heard seemed to have more foundation. But then, the hon. and learned Member for Bath says that these vows are against civil liberty; and his argument goes, in fact, in favour of a provision by law the reverse of that which is contained in the Roman Catholic Relief Act, namely, that in future these conventual establishments, and the taking of vows, should be forbidden by the law of this country. I should not like to place my own authority against that which he stated; but I remember a great authority, with whom I have frequently conversed on this subject, and whose opinion differed much from that which was stated by the hon. and learned Gentleman. I understood him to say that no person in this country could, according to the laws of this country, bind his own liberty. Now, a question was some time since frequently raised, whether the Africans introduced into our West Indian colonies should have the power to bind themselves for three, five, or ten years. I have frequently conversed on this subject with the late Lord Chancellor Cottenham, and have asked him what was the law in this country; and he always affirmed that, when a person was of full age, there was no law which would prevent him binding himself to give his labour for three, five, or even for thirty or forty years. Now, if Lord Cottenham is not wrong in that opinion, there is a power in a person, being of full age, to part with his liberty in this respect. I do not say whether that state of the law is right; but it is one which certainly is opposed to the view which the hon. and learned Gentleman takes of these conventual establishments. I believe that that which affects the inmates of these establishments is the restriction which is felt to be binding on the mind and the conscience. I believe there is no case in which one of these nuns might not leave the convent which she inhabited, or might not at any time go back into the world, without there being any power in the convent to require that she should leave the world and re-enter one of these institutions. If that is the case, we come next to another question, which I am very sorry has been mixed up with the present question before the House. The question before the House, as introduced by the hon. and learned Member for Hertford (Mr. J. Chambers), is a question of personal liberty, and the question then arises on that point, whether the House wishes to have any Bill on that subject, and if so, whether the present Bill is the one. I think that question would have been quite sufficient to occupy the attention of the House. But the hon. and learned Gentleman the Member for Bath has introduced a second proposition, and has raised the question of the propriety of having a Select Committee to consider whether any regulations are necessary for the prevention of the exercise of undue influence in procuring the alienation of property. Now, I beg to submit that that is a totally different question from the one which is raised by this Bill, and that it is one which is complicated with various other questions in regard to the general policy of the law with respect to the disposition of property, and to the liberty left to every person in the disposition of that property. It is a very fitting question for the consideration of this House; and if the Government, or any individual Member of this House, thinks the present state of the law deficient, it would be quite open to them to propose any amendment of that law; but in that amendment let them deal with this case of convents along with other property in this country. I do not see that this case should be provided for differently from others. If undue influence is anywhere exercised over individuals in the disposal of their property, let all the cases be treated alike, according to the best law you can make upon the subject. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) has shown that the present law is sufficient with regard to some of these cases, because he has shown that cases have been brought before the Courts of Law in Ireland, and decided on the ground that undue influence was used. In the first case to which he alluded, the conveyance of property was set aside, and a reconveyance was ordered to be made. If the law is sufficient in that respect, it may be left to its present operation. If further restrictions are necessary, let them be drawn up in the shape of a Bill. Let those restrictions be introduced, and let the House fairly consider them, and see whether they are suited to the case. I quite admit the inconvenience which arises when a person, on arriving at the age of twenty-five or thirty, finds himself bound by vows which he has made at eighteen. I can conceive that, wishout interfering with conventual establishments, the law should provide for cases of that kind. Conveyances obtained by undue influence are set aside by the Courts of Law in this country. A friend of mine found that his agent, by means of undue influence over his tenants, had nearly procured the conveyance of a large property into his own hands. But when that question was brought before the Court of Chancery in Ireland, the conveyance was set aside, and the property was restored to the proper owner. All these questions are very difficult in themselves, and certainly deserve to be considered separately. Do not let us mix them up, then, with this Bill; and, above all, do not let us deal with them as a matter solely affecting the dispositions of property made by nuns in convents. Let us consider the whole question of the disposition of property under the exercise of undue influence; and if the law is not already sufficient to deal with such cases, let it be made sufficient. I therefore come to the conclusion that, in the first place, without entering more into the merits of this Amendment, I shall vote for taking the question, as the words now stand, for or against the second reading of this Bill. I think it would be both fair and wise for the House to take that question simply as a question in itself. And if we come to the second reading of this Bill—if the question is proposed in that plain manner to the House, whether this Bill shall or shall not be read a second time—I shall cheerfully vote that it shall be postponed to this day six months: considering, as I do, that this Bill, intending and pretending to suit the particular case of nuns in Roman Catholic convents, is not founded on any proved circumstances; that it begins with a preamble which is not justified by fact, and goes on to provide enactments which I believe, so far from being favourable to civil liberty, are hostile to civil liberty; and that while it is hostile to the civil liberty of the whole community, Protestants as well as Catholics—to persons, in short, of every religious community—it would be in its effect most offensive to the Roman Catholic community; that while it is not sufficient to remedy any existing evil, it would tend to exasperate the feelings of those who are in these houses, and who have devoted themselves to a religious life from motives of religion and piety.

Mr. G. H. MOORE said, that he should be utterly belying his own opinions if he affected to recognise the sincerity or the good faith of a single feature of the present Bill—of a single profession of the hon. and learned Gentleman by whom the Bill was introduced—or of a single profession or sentiment that had been uttered in its support since the commencement of the discussion. The very title of the Bill was a prevarication. Its first reading had been obtained by pettifogging fraud; and it had been set forth, argued, and agitated for with an amount of insincerity and dishonest seeming which the measureless hypocrisy of this pharisee of nations could alone have supplied. It was extraordinary that, while on other questions the English were the most scrupulously truthful people in the world, they appeared on the single subject of religion to be wholly reckless as to the truth or falsehood of their assertions. Nothing could be lower than the standard of morality of religious journalism; nor did men care what they said of each other in social life upon religious matters. England was just now in one of those bursts of Protestant insanity which had periodically marked her history from the time of the Reformation, and which closely resembled the fits of phrensy to which naturalists stated that the grave and sagacious elephant was subject. He was bound to believe that the supporters of this Motion believed what they said; but still he could not but remark that their statements were directly opposed to all the facts which stared us in the face. He could not help seeing that, while with those periods of our history in which there had been the least marked display of Protestant and anti-Catholic feeling were associated the fairest and brightest recollections of our history, those in which that feeling had been most violent were inextricably intertwined with all that cast shame on our national character, and with all the most discreditable passages in our laws. Why, it was not a century ago, that a Protestant Parliament—bishops and all—in an age of great social advancement, passed an Act for the horrible and obscene mutilation of the Roman Catholic priesthood of Ireland! With respect to this Bill, he knew many families, amongst his nearest and dearest friends, who had sisters and other relatives in religious houses, who were invariably regarded by them with the tenderest affection, as being those who had chosen the better part. And did that House think the fathers and brothers of such religious persons required their aid to protect them, whose honour was as dear to them as their own? This Bill would empower the hired detectives of bigotry to invade the dwellings of the most sinless and sacred women in the world. He was quite sure that no gentleman would be found willing to carry out such a measure; as for Ireland, high as party feeling ran there, he was quite satisfied that even the Orangemen were too honourable for such a service. If they wanted agents for this purpose, they must send for them to our friend the Turk, who would supply them with officers properly prepared. But it was further provided that every magistrate was to be compelled to accompany these Jack Ketches of bigotry in their examination of convents: why, the effect of that would of course be, that every Roman Catholic magistrate of Ireland must resign the commission of the peace. What was the case for this Bill? Although English witnesses had not scrupled to commit perjury against their Catholic fellow-subjects, nor English juries to protect the perjurers; although English clergymen had not scrupled to circulate libels, nor English bishops to promote them for it; although out of doors the whole people were leagued against the honour of defenceless women, still no case had been made out which would suffice, in legal parlance, to hang a cat; nor had the opponents of these institutions succeeded in producing a Bill which was not discreditable to the reputation of the hon. Gentleman who drew it, and inconsistent with the clearest principles of constitutional law. What, on the other hand, was the case of the opponents of the Bill? The unanimous, consistent, uniform conviction of every man and woman in England and Ireland who had sisters, daughters, or relations in a religious institution, was, that they were happy and free. His (Mr. Moore's) own mother and wife had been educated in a convent, and the relatives of many of his dearest friends had likewise. If, therefore, such practices as those which had been complained of had existed, must he not have heard of them? He believed that the nuns were as free as any Members of that House—indeed much freer than many of them were between "whips" and angry constituencies. They had had laid before them documents signed by Catholic peeresses and other ladies of the highest rank, to the number of many hundreds, attesting their belief in the freedom and happiness of the inmates of convents. The case of the opponents of this Bill was, that a whole people, all whose sons were brave, and all whose daughters were virtuous, regarded this solicitude for their welfare as hypocrisy, and this professed protection as little less than persecution.

MR. WARNER: Sir, I should be very unwilling to detain the House from a division at this late hour, but I think it necessary to say a very few words to justify the vote which I intend to give. I cannot altogether approve of this Bill, chiefly because I think it does not go far enough, and is not nearly so efficient as it might have been framed to be. I am one of those who would much rather vote for the total suppression of monastic institutions. I agree, too, in many of the objections which have been urged against this Bill by the hon. Member for Bath. But I consider that this Bill has one great merit—that it recognises the fact that priestly influences are encroaching rapidly on the civil authority in this country, and that Parliament must look that fact in the face, and be prepared to deal with it. The main question before us seems to me to have been very little touched upon in this debate. It is this: Will you maintain your free institutions, and vindicate the majesty of the law and the supremacy of Parliament? Or will you suffer another and a hostile Power to set up an *imperium in imperio*—to defy your legislation, to acknowledge no law but its own, and to trample on the liberties of your people? I would not willingly offend the conscience of any man—I would advocate the principles of civil and religious liberty as strenuously as any man in this House; but, sitting here as a Member of this Legislature, I feel bound to support this Bill; for it appears to me that if you reject it, you will publicly betray your own authority, and the institutions of which you form a part.

Sir, hon. Gentlemen have endeavoured to show that this is an attempt to excite the Protestant bigotry of the people of England against their Roman Catholic fellow-subjects. One hon. Gentleman told us that the English people hated the Roman Catholics without a cause, and seemed to think they were everywhere trampled down in this country. But before we pay much attention to such appeals, *ad misericordiam*, on the part of Roman Catholics in England, let us consider for a moment the relative position of this Church and Protestantism, not only in this country but in Europe. It may be that the Roman Catholic Church is in a minority in England; but in Europe it is almost to this country alone, and to its moral support, that Protestantism can turn—while the Church of Rome is closely bound up with the material interests, and supported by the physical power, of nearly all the monarchs of Europe. It has struck its roots beneath the dungeons of Austria, and it flourishes within the shelter of the bayonets of France.

But, Sir, I utterly deny that the people of England have any animosity against their Roman Catholic fellow-subjects. No statement was ever more unfounded. But I will admit this, that there is a deep-rooted feeling of dread and abhorrence to the foreign organisation and the persecuting theories of the Church of Rome. And it is because England remembers her martyrs—because her history has been one long-continued struggle with the political power which Rome wields—because the darkest periods of her annals have been those when Rome has prevailed against the pusillanimity of her Kings or her Parliaments, and the brightest periods have been those when she has most effectually resisted the yoke—because the people of England cannot but feel that the Power which is now striving for the mastery by peaceful and cautious intrigue on one side of the Channel, and by vehement agitation on the other, is the same Power which once lighted the fires of Smithfield, and which armed the Bigot of Spain with his "Invincible Armada" against that illustrious Queen, whom even the hon. Gentleman who spoke last has acknowledged to have been the free choice of a free people.

It may be, Sir, that many have come here to vote who have not well considered the bearings of the question. If so, I entreat them to think what they are going to do. I warn them, that if they reject this Bill and the Amendment, they are voting away the dear-bought liberties of their fellow-subjects. I warn them that, by their connivance, they are building up a structure of ecclesiastical tyranny which will yet be the scourge and the shame of the land; and I entreat them earnestly to consider, each for himself, who knows but he may lay the foundation of it in his first-born, and set up its gates in his children's children.

There may be defects in this Bill, but it recognises a great principle, and I shall give it my support; and if it should be rejected by the House, I shall then most cordially give my vote for the Amendment of the hon. Member for Bath.

But I thought, Sir, that I might have some claim to address a few words to the House on such a question as this; for the great city which has sent me here as her representative has reason to value, and does value dearly, the principles of civil and religious liberty, deriving as she does much of her success in arts and in commerce, much of her wealth, her fame, and her prosperity, from the time when Norwich opened her gates to the exiles of the persecuted Netherlands—to that remnant who had seen their cities made desolate, and their wives, and their children, and their parents, offered in sacrifice to the Moloch of intolerance, and who escaped with nothing but their lives and their loyalty, their industrial skill and their unsullied faith, from the bloodhounds of Alva's merciless soldiery, and the priested fiends of the Inquisition.

Mr. HENCHY said, he felt that the Roman Catholics of Ireland were indebted to the Protestants for obtaining Catholic emancipation; and for that, and for many other reasons, he was opposed to the style and language adopted by the hon. Member for Mayo (Mr. G. Moore). There was not one member of his (Mr. Henley's) immediate relatives who had not been educated in a convent, and not one of them had embraced a conventual life. It was, therefore, plain that no undue influence had been exercised over them. Some of the elder branches of his family, having become mothers, had sent their children, in their turn, to be educated in those establishments; and that disposed of the charge that young persons were inveigled into becoming inmates. With regard to the statement of the hon. Member for Cheltenham (Mr. C. Berkeley), that relatives were not allowed to visit them except in the presence of the superior, he could contradict it; for on several occasions he had visited his relatives in different convents in England and France, and on no occasion was he ever subjected to the surveillance of a superioress or nun. The rules with respect to ladies embracing a conventual life were very strict, and two years and a half must elapse between the time of entering and the time of taking the veil—abundance of time for them to make up their minds whether that kind of life would suit them or not. With regard even to the step being irrevocable, there were cases in Dublin and Carlow of ladies being allowed to leave convents after having taken the vows; but there was one vow which they were not allowed to break, and that was the vow of chastity. At the Good Shepherd Convent, Hammersmith, there were eighty or ninety unfortunate women received and sheltered, with the view to their reformation; and in Liverpool numerous children were educated by these religious establishments. In conclusion, he should vote against the Bill, as being intended to uproot and exterminate the Catholic religion.

Mr. ROUNDELL PALMER, who rose amidst general calls for a division, said, he would not detain them at that late hour for more than a very few minutes. He did not wish to give a silent vote, because he intended to act in accordance with the statement which he made on a former occasion, that he considered a measure for the regulation of conventual establishments to be, if wanted, right in principle. He should, therefore, mark his opinion on that subject by not voting for the second reading of this Bill, which he conceived it was utterly impossible that House could sanction, but by voting for the Amendment of the hon. and learned Member for Bath (Mr. Phinn), which appeared to him—whether the terms were or were not so entirely comprehensive as might be wished, or whether or not it might have been more orderly to have moved it as a substantive proposal, and not as an Amendment on another Bill—to be conceived in a fair spirit, and to express a principle on which those who desired and were determined consistently and firmly to resist every encroachment on the religious liberty of their fellow-subjects, but at the same time not to be withdrawn by any amount of clamour to confound a question of civil liberty with a question of religious liberty, could consistently act. What did this Bill do? It began by misreciting the present state of the law. It proceeded to appoint Commissioners, who would either do nothing, or, if sufficiently employed, would constitute an inquisition, which would be intolerable in a free country. The Bill would interfere not merely with religious establishments, but with domestic liberty in every house in the country. It reduced under supervision lunatics, children, and schools. It appeared to him to enable the Commissioners to enter any house, not only on sworn information but on vague surmises, originating, perhaps, in their own minds. It appeared to him, if the House sanctioned the principle of such a Bill, they would be committing a very grave error, and he was convinced not one word of it would remain if the Bill should go into Committee. But he must enter his firm protest, in the name and on behalf of religious liberty—on behalf of the religious liberty of Roman Catholics themselves—against the assumption that conventual establishments, whether of that or of any other Church, were exempt by right from the control of the law and the supervision of the State. The very fact of suspicion, alarm, excitement, and agitasion, and the tendency to agitation which existed in the public mind, was in itself tufficient reason why, if the principle were admitted, the attempt should be made cautiously to bring those establishments under a supervision of a guarded and general application, and consistent with the principles of law—not to stop abuses, which he did not know existed, but to prevent the possibility of those abuses, and to satisfy the public mind. If the Roman Catholics would not admit that such institutions were subject to regulation and control from the law of the land, it was inciting agitation, not for the purpose of regulating those institutions, but for the purpose of suppressing them; and if the Roman Catholic people valued the use that those institutions were of, for the purposes of education, piety, and charity, they would, in his opinion, be taking the most unwise course they possibly could take if they said, "We of ourselves declare those institutions must exist unregulated, or must not exist at all." However disinclined they might be to believe abuses of the nature alleged did exist, not merely in Roman Catholic but in all such establishments, no one could help admitting, seeing the present state of the law, the possibility of encroachment on the liberty of individuals in every establishment of this nature. As an answer to the suspicions which would arise, he wished to have the subject calmly, deliberately, and dispassionately considered, and, if necessary, a measure introduced by the Ministry of the country, founded on the principle adopted in other countries, which, without the appearance of sectarian difference or polemical warfare, should guard and protect the liberties of Roman Catholics interested in these establishments, and tend to satisfy the reasonable requirements of public opinion.

MR. CONOLLY said, he was glad to see the temper of the House, as it must satisfy hon. Members that a Bill so odious and tyrannical ought not to be proceeded with. The Bill was an inquisition into religious houses—into establishments where those who took refuge in them were actuated by motives of the most exalted piety. The Amendment was to the same effect, and on that ground he was of opinion it ought to be resisted as ssrenuously as the Bill itself.

MR. T. CHAMBERS said, he accepted with the utmost satisfaction every single ssue raised upon the Bill he was submitting to Parliament. He was glad some issue had at length been raised on the Bill so submitted by him, for it was impossible to avoid remarking, or to overlook the significant circumstance, that notwithstanding all the careful and anxious scrutiny which had been made into it—notwithstanding all the earnest, eager, and impassioned orations at public meetings here and in Ireland on the subject of the Bill—there was not a single argument on which he had grounded his measure overthrown—nay, he would say much more—not even assailed. In the experience which the right hon. Gentleman in the Chair had had from presiding over the deliberations of Parliament, one inference more strongly than any other must have been drawn from the discussions, that it was absolutely and imperatively necessary in every debate, that he who originated the debate must restate the question and reiterate his arguments. He repeated that notwithstanding the amount of eloquence exhausted on the subject, not one of his arguments had been attacked. He rested the Bill on facts—not in the narrow sense in which the word was presented to the minds of hon. Members. He had not adduced single instances picked up there or here; and he had this plain and sufficient answer to all cavillers —that he did not take exceptional cases as the ground of his argument, but rested it on the result drawn from the literature of the Roman Catholic Church—its code, its ordinances, its canons, its councils, the laws of emperors, of legislatures, and of statesmen living in the lands where convents were established. He had recited the fact of the last authoritative council of the Roman Catholic Church having dealt with the alleged evil as existing and fragrant. It was not necessary for his purpose to show that the evil now actually existed, only that there was a very perilous liability to it, which required prompt and immediate remedy. The Council of Trent did deal with the evil, and yet hon. Gentlemen ventured to assert he was not arguing from facts. He would suppose the question was an historical question. How would it be settled? Would they not put the right hon. Member for Edinburgh (Mr. Macaulay), Lord Mahon, Mr. Prescott, and Mr. Hallam, into the library, and propound the question to them? The witnesses ranged around them on the library shelves, would be those on whose testimony the question would be decided. These witnesses were authors of the current literature of a thousand years—from the sixth to the sixteenth century. The philosophers, the poets, the historians, the annalists, the divines, from pontiffs to mendicant friars. Set aside at once all against whom reasonable or unreasonable exception could be taken, or who could be deemed biassed or accused of partiality; and would any man venture to tell him, in an educated assembly like that he had the honour of addressing, that any room for doubt was left in any mind competent to understand and admit his argument. If various witnesses of different races, different religions, different habits, and different characters, all concurred in their testimony, what else could be said but that this universal concurrence of testimony could be accounted for only on the supposition of truth? But his case did not rest on the mere concurrence of witnesses—it went further. It rested not only on what was written, but on the fact that every one who had so written had acted as if what he wrote was true, and in such a manner as he could not have acted had the allegations not been true. Was it true that persons were sometimes deprived of their liberty in convents and monasteries? The proofs of the affirmative were overwhelming. Decrees had been passed by emperors to abate the evil. If no such evil had existed, would such decrees have been passed? That they did exist from age to age was notorious, and the conduct of all who had dealt with the subject showed they existed. If the evil did not exist, how could they account for the decree of the Council of Trent, to which no allusion had been made in any answer to his arguments? To all the authorities he had cited, he would add one more. It was found in a "novel" appended to the Theodosian Code, providing that no female could be compelled to take the veil under forty years of age, and that if, through the cruelty of parents and relatives, which often happened, she took the veil before that age, she might be relieved from her vows, and allowed to leave the convent and marry, without any imputation of sacrilege. Such was the law he had cited. It was said, *ad captandum*, by hon. Members, if the evils alleged to exist, or likely to exist, did really exist, the parents, brothers, and friends of the oppressed person would be the first to complain. But this argument could have no real weight against the facts he had produced. He found in the various volumes he had referred to, proofs in every form of what he complained of. He found it in the works of divines, in sermons and homilies; his proposition was established in every form. [*Cries of* "Divide!"] He would be brief, and allow the House to divide immediately. He would accept the issue raised by the noble Lord (Lord John Russell), and he would say, in opposition to the noble Lord, that the Bill was not unconstitutional. He said it was not an unconstitutional invasion of a private house for a publicly-appointed officer to enter it —as he proposed by the Bill—for the purpose of restoring to liberty those who were supposed to be under constraint. Such a proceeding was not unconstitutional, for he could cite many instances in which it was done, not for the purpose of restoring persons to liberty, but for the purpose of restoring smuggled or stolen goods. In that case private houses were not entered by a high officer, like the commissioner he wished to be appointed, but by revenue officers for a petty evasion of the law. He would not trouble the House to go to a division on his Bill, but he would accept the Amendment, as that affirmed the principle.

Sir GEORGE GREY said, he wished only to explain that it was his intention to vote both against the second reading and the Amendment. He should therefore vote that the words "this Bill be read a second time" stand part of the question, in order to vote against the second reading of the Bill when the Amendment was disposed of.

Sir JOHN PAKINGTON said, that, speaking for a vast number of Gentlemen on that (the Opposition) side of the House, after what had fallen from the hon. and learned Member for Hertford (Mr. T. Chambers), that he accepted the Amendment, he begged to say that he intended to vote against the Bill, in order, with the concurrence of the hon. and learned Gentleman, to vote for the Amendment.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 178; Noes 207: Majority 29.

List of the Ayes.

Aglionby, H. A.
Anson, hon. Gen.
Atherton, W.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Ball, J.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, Capt.
Berkeley, C. L. G.
Bethell, Sir R.
Blake, M. J.
Bland, L. H.
Bowyer, G.
Brady, J.
Brand, hon. H.
Bright, J.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, Lord E.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Burke, Sir T. J.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cayley, E. S.
Charteris, hon. F.
Cobbett, J. M.
Cockburn, Sir A. J. E.
Coffin, W.
Cogan, W. H. F.
Collier, R. P.
Conolly, T.
Coote, Sir C. H.
Corbally, M. E.
Cowper, hon. W. F.
Dalrymple, Visct.
Denison, J. E.
Dent, J. D.
Devereux, J. T.
Duffy, C. G.
Duke, Sir J.
Dunne, M.
East, Sir J. B.
Ellice, rt. hon. E
Elliot, hon. J. E.
Esmonde, J.
Fagan, W.
Fitzgerald, J. D.
Forster, C.
Forster, J.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Frewen, C. H.
Gardner, R.
Gladstone, rt. hon. W. E.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Hadfield, G.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, A.
Hayter, rt. hon. W. G.
Heard, J. I.
Henchy, D. O'C.
Heneage, G. F.
Herbert, H. A.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Howard, Lord E.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Johnstone, Sir J.
Jones, D.
Keating, R.
Kennedy, T.
Keogh, W.
Kirk, W.
Labouchere, rt. hon. H.
Langston, J. H.
Lawless, hon. C.
Lawley, hon. F. C.
Layard, A. H.
Lewis, rt. hon. Sir T. F.
Locke, J.
Lowe, R.
Lucas, F.
Mackinnon, W. A.
M'Cann, J.
M'Mahon, P.
Magan, W. H.
Maguire, J. F.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Meagher, T.
Milton, Visct.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Monsell, W.
Moore, G. H.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Murphy, F. S.
Murrough, J. P.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, P.
O'Brien, Sir T.
O'Flaherty, A.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Pechell, Sir G. B.
Peel, F.
Phillimore, J. G.
Phillimore, R. J.
Pigot, F.
Pilkington J.
Pollard-Urquhart, W.
Potter, R.
Price, Sir R.
Rice, E. R.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Scholefield, W.
Scully, F.
Scully, V.
Seymour, Lord
Seymour, W. D.
Shee, W.
Smith, J. A.
Strickland, Sir G.
Strutt, rt. hon. E.
Sullivan, M.
Swift, R.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Townshend, Capt.
Traill, G.
Vane, Lord H.
Vansittart, G. H.
Villiers, rt. hon. C. P
Vivian, J. E.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Young, rt. hon. Sir J.

TELLERS.

Chambers, T.
Inglis, Sir R. H.

List of the Noes.

Acland, Sir T. D.
A'Court, C. H. W.
Adderley, C. B.
Anderson, Sir J.
Annesley, Earl of
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Aspinall, J. T. W.
Bailey, Sir J.
Baird, J.
Baldock, E. H.
Barnes, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T,
Bentinck, Lord H.
Bentinck, G. W. P.
Berkeley, hon. C. F.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Blair, Col.
Boldero, Col.
Bonham-Carter, J.
Booth, Sir R. G.
Bouverie, hon. E. P.
Brisco, M.
Brocklehurst, J.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Butt, G. M.
Cairns, H. M.
Campbell, Sir A. I.

Carnac, Sir J. R.
Chandos, Marq. of
Chaplin, W. J.
Child, S.
Cholmondeley, Lord H.
Christopher, rt.hn.R.A.
Clinton, Lord C. P.
Clive, R.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Corry, rt. hon. H. L.
Cowan, C.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Davie, Sir H. R. F.
Davies, D. A. S.
Davison, R.
Disraeli, rt. hon. B.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. W. E.
Dunlop, A. M.
Du Pre, C. G.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Elmley, Visct.
Evelyn, W. J.
Ewart, W.
Farnham, E. B.
Farrer, J.
Ferguson, J.
Filmer, Sir E.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Forster, Sir G.
Freshfield, J. W.
Fuller, A. E.
Gallwey, Sir W. P.
Gaskell, J. M.
George, J.
Gladstone, Capt.
Gooch, Sir E. S.
Gordon, Adm.
Gore, W. O.
Graham, Lord M. W.
Greaves, E.
Greene, T.
Grogan, E.
Grosvenor, Earl
Gwyn, H.
Hall, Sir B.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Harcourt, Col.
Hastie, A.
Hayes, Sir E.
Headlam, T. E.
Henley, rt. hon. J. W.
Hildyard, R. C.
Hill, Lord A. E.
Hotham, Lord
Howard, hon. C. W. G.
Irton, S.
Jackson, W.
Johnstone, J.
Jones, Capt.
Kendall, N.
Ker, D. S.
King, J. K.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Knox, Col.
Knox, hon. W. S.
Laing, S.
Langton, H. G.
Langton, W. G.
Legh, G. C.
Lennox, Lord A.
Leslie, C. P.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lopes, Sir R.
Loveden, P.
Lowther, Capt.
Macartney, G.
Mackie, J.
MacGregor, J.
MacGregor, J.
Malins, R.
Meux, Sir H.
Miles, W.
Milnes, R. M.
Michell, W.
Mitchell, T. A.
Moffatt, G.
Montgomery, Sir G.
Moore, R. S.
Morgan, O.
Mundy, W.
Muntz, G. F.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
North, Col.
Oakes, J. H. P.
Pakenham, E.
Pakington, rt. hn. Sir J.
Palmer, R.
Palmer, R.
Patten, J. W.
Pellatt, A.
Ponsonby, hon. A. G. J.
Portal, M.
Powlett, Lord W.
Prime, R.
Pritchard, J.
Robertson, P. F.
Rolt, P.
Sandars, G.
Sawle, C. B. G.
Scobell, Capt.
Seaham, Visct.
Shelley, Sir J. V.
Sibthorp, Col.
Smijth, Sir W.
Smyth, R. J.
Smyth, J. G.
Smollett, A.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Verner, Sir W.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Walter, J.
Warner, E.
West, F. R.
Whitmore, H.
Winnington, Sir T. E.
Wise, A.
Woodd, B. T.
Wortley rt. hon. J. S.
Wyndham, Gen.
Wyndham, W.
Wynn, Major H. W. W.
Wynne, W. W. E.

TELLERS.

Phinn, T.
Butt, I.

Question proposed, "That those words be there added." Debate arising; Motion made, and Question proposed, "That the Debate be now adjourned."

And it being Six of the Clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, June 23, 1853.

MINUTES. PUBLIC BILLS. — 1^{a} Patronage Exchange.
Reported.—Income Tax.

THE INCOME TAX BILL.

Order of the Day for the House to be put into Committee read.

The EARL of ABERDEEN moved, "That the House do now resolve itself into a Committee."

The EARL of CLANCARTY: My Lords, although I do not rise with any purpose of interfering with the progress of the Bill now before your Lordships, I yet may be permitted to make a few observations upon it, with reference to its chief novelty, namely, the extension of the income tax to Ireland, the objections to which have hitherto been but very slightly noticed. In the abstract, my Lords, the proposition is certainly not unjust, that all who live under the same laws, enjoy the same privileges, and owe the same duty to the State, should be subjected to the same burdens of taxation; and I freely admit that direct taxation, being a necessary consequence of the departure from the principle of indirect taxation, involved in the repeal of protective duties, whatever loss the farmer or manufacturer may have sustained by the withdrawal of protection from native industry, both one and the other must now submit to pay for the boon of free trade by allowing what remains to them of available income to be further reduced by the operation of a direct tax. But although I acquiesce in the principle of free trade, I cannot allow that Ireland does enjoy the benefit of equal laws or of equal privileges with England; and I must add, that in the redistribution of taxation proposed in the Budget that is now to be considered in this House, Ireland has been very hardly and most unfairly treated. We are told, and truly so, that this is an æra of great prosperity; and certainly we may behold, both in this vast metropolis and throughout the whole of England, a condition of wealth and progressive improvement quite unexampled. Agriculture, manufactures, commerce, all flourishing. Activity in every department of business. Scarcely an idle person, unless those may be so considered who live in the pursuit of pleasure, and their name is "legion;" but from the highest to the lowest every class appears well cared for, and in no other nation in the world is there to be seen so much of the enjoyments and of the luxuries of civilised life. Regarding this happy state of things as, under the Divine permission, a consequence of the influence of free institutions upon a people peculiarly fitted to appreciate them, I trust it may long endure. Though coming from a less favoured portion of the empire, where free institutions have as yet exercised no salutary influences, a land far from wealthy, and to this day the scene of much suffering and of more privation than any Englishman could endure, I rejoice most sincerely at the prosperity I here see around me. I had, indeed, in common with others, entertained the hope that, as Providence had showered down blessings in such abundance upon this country—as the gold of distant lands was daily adding an increase of capital to her already great resources, and the imperial revenue, notwithstanding an expenditure that might be termed lavish, yet exhibited a large surplus of income beyond expenditure—I had hoped that Ireland, so lately prostrated under the heaviest visitation that ever befell a people—Ireland, scarcely convalescent, and still reeling under the pressure of her poverty, might have been spared to recover a more healthful condition before being subjected to new burdens not justified by any necessity of the State. But no forbearance has been shown to her, and she has been made to feel, in addition to her physical extenuation, that she had not in the Imperial Parliament sufficient political influence to have her case even inquired into before it was decided upon. The decree has gone forth that Ireland, distressed, overburdened, and, to a great extent, bankrupt, as she already is, should be taxed, or rather subjected, to a net increase of taxation to the amount of about half a million sterling; and that relief from taxation shall be confined to wealthy England, to the net amount of no less than 1,040,000*l.* Now, my Lords, looking at the comparative condition of the two countries, and considering how lately the Government found it indispensably necessary to extend gratuitous relief to certain distressed districts of the south and west of Ireland; and that in order to obtain the requisite funds, a tax under the name of a rate in aid was levied, not as it ought to have been, impartially off the United Kingdom, but exclusively off Ireland, the tax now to be imposed is peculiarly unjust. It is in fact a rate in aid to be levied for the greater relief of the English taxpayer. It is scarcely possible to conceive a more partial, unjust, and oppressive step upon the part of the Government, or one more calculated to repress any hopeful exertion in Ireland, and to alienate the confidence and affections of the Irish people. The noble Earl opposite, and most of his Colleagues, profess themselves the disciples of the late Sir Robert Peel; let me for a moment compare their policy towards Ireland with that which was adopted by that eminent statesman. He imposed the income tax upon England first in 1842; he renewed it in 1845. The former year was a period of great financial difficulty; the latter was a period of great prosperity, but not comparable in England to the prosperity of the present day. Yet, although Ireland was throughout that period far better off than she is at present, and had attained at the close of it, just before the famine broke out, a more prosperous condition than she had ever before known, it was not thought expedient that, in her then condition, she should be subject to an income tax. Her share in the increased taxation, then necessary to renovate the finances of the country, was limited to an increased stamp duty, which I believe still continues. Why, my Lords, have those disciples of Sir Robert Peel departed from his policy? The noble Earl says they were obliged to extend the income tax to Ireland, because in some of the more distressed districts the consolidated annuities could not be collected, and the people of England would not otherwise consent to give them up. I cannot believe that the noble Earl was seriously influenced by such reasoning. In another place this change of policy is, I believe, upon the authority of the Chancellor of the Exchequer, otherwise accounted for. It is said that the income tax was not extended to Ireland by Sir Robert Peel, as the amount that would have been collected would scarcely have repaid the expense, as there was not the same poor-law machinery as at present. Such, however, could not have been the fact, as the valuation of the country was at that time considerably higher than it is at present, and would consequently have yielded a better revenue; and precisely the same poor-law machinery was then in operation as that of which it is now proposed to take advantage. To put forward, therefore, as a reason of the income tax being now extended to Ireland, that the circumstances of the country were more favourable, shows only in what ignorance, or affected ignorance, of the true state of facts, this question has been determined. Much, my Lords, as I lament some of the political acts of the late Sir Robert Peel, it is but due to his memory to say that his forbearance towards Ireland on the question of the income tax proceeded from no such paltry calculation of whether the amount he could exact from her would sufficiently exceed the cost of making the exaction. I believe he was governed by more statesmanlike views than he has been given credit for. That seeing that Ireland, then newly brought under the operation of a poor-law, was, though backward, improving through the awakened energies of the owners of the soil, he considered it more important that the means immediately necessary for the development of her resources should be so applied, than confiscated to the Imperial Treasury. This, my Lords, does not rest upon mere conjecture: it is the legitimate inference to be drawn from the distinction he made between the absentee and the resident proprietor; and if the present Chancellor of the Exchequer, and the noble Earl the First Lord of the Treasury were not, as unfortunately they are, total strangers to Ireland, they would have seen that it was a distinction of the greatest practical advantage to the country, that in taxing the income of the absentee he encouraged residence, and that in exempting the income of the resident, he, in fact, secured to the country an expenditure in its improvement, and in the sustainment in industry of a very poor and dependent population to the full amount of what would otherwise have been abstracted from it in the shape of income tax. The fact is, that Ireland was, and is, for the most part, without manufactures, and her commerce very limited; but she has a large agricultural population, and a great extent of waste but improvable land. It is manifestly, therefore, good policy in the State to encourage the employment of that population in the reclamation and improvement of the land, so that it may contribute to the general wealth of the community, and become available for the purposes of revenue. The land can only be improved by its owners, and I may say, although there are some brilliant exceptions to the rule, that in general it is only done by resident proprietors. These, however, are mostly very poor; they have not the superfluities of the absentee; their style of living is very frugal, and as they will be the chief and almost the only subjects of the proposed extension of the income tax, whatever is so taken from them will be, in fact, so much unwisely abstracted from the use to which for the general advantage it might best have been applied. Let me observe to your Lordships that, with the exception of the district of Belfast, where there is the linen manufacture, nearly the whole population of Ireland is dependent upon the land. The farms are in general very small, or, if extensive, of little value, and the farmers without capital; very few of them, therefore, lay out more employment upon their farms than they can perform with the labour of their own families; they do not, as a general rule, give employment to hired labourers. To whom, then, can the cottier class, and the occupants of the lanes and suburbs of the country towns, look for employment or support? They naturally turn to the resident proprietor, whose interest it is, if he can, to employ them; the alternative is the workhouse, and I need not tell your Lordships that the man who is compelled to throw himself upon the workhouse feels himself degraded—his existence there is alike unprofitable to himself and to the community—a drag upon, instead of an aid to, the industry and improvement of the country; and I warn Her Majesty's Government, that every poor man who may be driven to the workhouse, in consequence of the confiscation now proposed of the means of employing him, will be a reproach to their injustice and rapacity. That it is the endeavour, as well as the interest, of the resident proprietors to employ the poor, and to improve the land, is perfectly manifest from the fact, that where they cannot command the means from their own incomes, they have in so many cases borrowed money for the purpose, under the Land Improvement Act; but indebted as

Irish property in general is, proprietors are now unwilling further to add incumbrances upon the land, if they can possibly avoid it. How shortsighted, how illiberal, how unwise is it then to withdraw thus from Ireland, by a direct tax, a sum insignificant as an item of revenue, but of the greatest value, if allowed to fructify upon a soil where it is so necessary, and might be so beneficially invested. The policy of this income tax upon Ireland appears to me to be penny wise and pound foolish—a grasping, as it were, at a miserable penny, and losing the pound which it might hereafter have yielded. It is certainly the very reverse of the policy adopted by, or that would have been sanctioned by, the late Sir Robert Peel. I cannot accept as a boon to Ireland that for which the noble Earl takes so much credit as an act of great liberality, namely, the remission of the consolidated annuities. The liberality consisted in this, that what the noble Earl admitted could not be collected he would give up; but in so doing he substituted an income tax of more than double the amount. What the noble Earl should have done was to have acted upon the just and impartial report that lies upon the table from a Committee of this House, whose unanimous verdict it was that a portion of the annuities was unjust, and ought on that account to be remitted; that the remainder—especially the repayments for the building of the workhouses—should have been insisted upon. The course that is taken, especially with reference to the latter charge, is most unjust by those unions which taxed themselves to repay the sums advanced, and can only operate as an inducement for the future to postpone payments in order eventually to escape them altogether. Ireland appears to me to stand to the British Government much in the same relation as a distant and mismanaged estate to a rich absentee landlord. He is ignorant of its circumstances—he is wearied with representations of its distress—he consults only his under-agents and drivers, not as to the manner in which it might be improved, but as to the amount of rent that can be screwed out of it, estimating what the tenants ought to pay by what he receives from the favoured and well-managed part of the estate around his home, where his whole income is expended, and for whose benefit alone all his improvements are made; and when advised that he must forego some claims which are neither just nor capable of being enforced, he wonders at the ingratitude of his tenants for not appreciating his liberality in giving them up. My Lords, the English Government is the absentee proprietor, and Ireland his distant mismanaged and ill-treated estate. I set out by saying that with equal laws and equal privileges it was just there should be equal burdens; but, my Lords, are there equal laws in Ireland, as in England? Would the continual recurrence of such monster meetings as were held in Ireland about the repeal of the Union, have been tolerated by the law in England? Could the lives of the Queen's subjects have been imperilled in England as they were in Ireland, dependent upon the forbearance of one man, from whose lips a single word would have induced the incited multitudes to imbrue their hands in the blood of all who refused to join them, and to the exercise of whose influence, and not to either the law or the Government of the country, it was, in fact, due that those meetings did not eventually terminate in bloodshed? Would the law have tolerated in England those scenes of outrage that more lately disgraced nearly every contested election in Ireland, or have allowed the inciters of the Six-mile Bridge affair, by which so many lives were lost, to go, not merely unpunished, but untried? And do not scenes so disgraceful to any civilised community go far to drive the timid and peaceful from the land, and to deter persons of ordinary prudence from investing capital where they cannot hope to meet with protection? The law is the protection of the subject in England; in Ireland it is hardly any protection. The circumstances of the two countries, therefore, in this respect, are not the same. Then, how different is England from Ireland in respect of its privileges and other advantages! In England, the education of the people is free, regulated only with a view to its greater efficiency. It is not required that the great truths of religion should be compromised, and restrictions put upon the teaching of the Bible in the National schools; on the contrary, the Word of God is recognised and upheld as the proper standard of truth and morality. In Ireland, on the contrary, Her Majesty's Government lays down rules by which, practically, the education of youth is handed over to a Church of which it has been not untruly said that its object is to confine instead of expanding the intellect—to enslave the soul, instead of emancipating it. England flourishes as a country of manufactures. Educated in the school of protection, they had attained to a very high degree of perfection before the markets of England were opened to unrestricted competition. How stands the case of Ireland? Is she, either in agriculture or in manufactures, in a position to invite unrestricted competition? Free trade has, no doubt, much to recommend it; but had not your farmers and manufacturers been trained under a fostering system of protection—protection even against Irish competition, whereby Ireland materially suffered—you would not now be in the position that I hope and believe you are in, of being able to cope successfully with the untaxed producers of foreign countries. Ireland was certainly not prepared for free trade, and has been forced into it solely for your interest. Again, England enjoys the whole of the packet communication with foreign countries, and is studded with harbours of refuge, upon which immense sums of public money are annually expended. Nature has done much in the formation of harbours on the Irish coast; but a jealousy unworthy of a great nation—a policy most unbecoming the Imperial Government—has caused these natural advantages to be neglected, lest England should be deprived of the benefit she derives from a monopoly of the packet service. Here you have naval and military arsenals, involving a large expenditure of public money, and the employment and training of artisans and shipbuilders. Ireland is denied any such advantages. Here you have the seat of Government and all the patronage and expenditure incident thereto, and anything worth having in Ireland is commonly bestowed upon an Englishman or a Scotchman. Here, again, you have the Court, and all its pleasures and attractions. The Englishman basks, as it were, in the sunshine of royalty. From the humblest tradesman, nay, from the humblest recipient of charity to the first subject in the realm, every class feels that the vicinity and countenance of the Sovereign is a great advantage. All this is without the reach of an Irishman. He must also become an absentee if he desires to have access to the Royal presence. Perhaps I may be told of Royal visits to Ireland. My Lords, such visits are short and far between. I believe that, from the time of William III. to that of George IV., a period of considerably more than a century, Ireland never beheld her King. In the present century we have been more fortunate; two Royal visits stand recorded. The first, that of George IV., is commemorated by the substitution of the name of Kingstown for the more euphonious Irish name of Dunleary; the second in the reign of her present Most Gracious Majesty, by the name of Queenstown being given to the Cove of Cork. Now, Windsor has long been the residence of the Kings and Queens of England. The Isle of Wight is much favoured by the Royal presence, and Scotland is annually honoured with a Royal visit; yet I do not find that any names have been given by the inhabitants of this well-favoured island to localities so honoured by the Royal presence, commemorative of such events. My Lords, it is not a matter of complaint that in England is the residence of the Court or the seat of Government, or that this gorgeous structure in which we conduct the business of the nation is erected in London rather than in Dublin. It would be unreasonable to ask, or even to think of its being otherwise; but when the circumstances of the two countries come to be compared, it must be admitted that England does enjoy much that is not within the reach of Ireland, and that any difference between the circumstances of the two countries is altogether in favour of England, and to the disadvantage of Ireland. Undoubtedly we all owe the same duty and are all animated with the same loyalty to the Crown, but we cannot all enjoy the same privileges and advantages; and I have shown your Lordships that we are either not under the same laws, or that the laws are so differently executed in Ireland from what they are in England, that they do not afford equal protection. These considerations, together with other peculiar circumstances that I have referred to, appeared to me to entitle Ireland to a forbearance and consideration that have not been shown her. Were my argument ever so convincing, I know that it is too late to have the Budget amended. Were it otherwise, personally interested as I am in the question, I should not now have addressed your Lordships. I have derived, as a resident landlord, the full benefit of that exemption from income tax which was shown to Ireland. I feel that you are, by this Bill, taking, as it were, my coat away, and I would rather offer you my cloak also, than occupy your time by an advocacy of my own personal interest. My sole object in representing the case of Ireland, as I have done to your Lordships, has been to found upon it an appeal to Her Majesty's Government to adopt towards Ireland a more liberal, a more upright, and a more enlightened policy than has heretofore been pursued—to examine honestly into her condition—especially to examine into the question of the education of the poor, which, as now conducted, is, both in its principles and results, such a disgrace to a Christian country. Improvement, my Lords, in that quarter, must be at the foundation of any course of policy truly designed for the amelioration of Ireland. I would appeal to the Government to be more liberal in the encouragement of practical science, and in the development of artistic taste. It is not for want of native talent, but for want of public encouragement—such encouragement as is extended to the fine arts in this country—that Ireland does not stand higher than she does in the reputation of her sons. I will not detain your Lordships by enumerating all that might, or ought to be done in fairness to Irish interests; but two matters I must specify. First, I would urge the fairness of reconsidering the packet-station question, or at least expending a portion of that public money to which we are henceforth to contribute in full proportion, upon the improvement of the western harbours of Ireland. It is monstrous, that when two-thirds at least of the passengers to the United States of America are Irish, the entire communication with America should be, of necessity, from the harbours of England. Secondly, I would call upon you to do justice to the loyalty of the Irish character, by raising an Irish as well as an English militia for the defence of our shores. But two years ago, the advocacy of the justice of this measure by a noble Lord, a Member of the present Cabinet, sufficed to overthrow the Government to which he was then opposed. Is the voice of that noble Lord, the solitary Irishman who occupies a seat in the Cabinet, now silent in behalf of his countrymen, or is his influence gone? Why, my Lords, should a difference be made? It is offensive to the Irish character, for it implies a want of confidence in Irish loyalty. If you have not that confidence, whose fault is it but your own, for you feel that you have not yourselves deserved confidence? Your duty, then, is to win it, as you certainly may do, by an upright, enlightened, and faithful administration of the functions of Government, and by such a course of general policy towards Ireland as may show that she is regarded as an integral portion of the empire, not alone for the purposes of taxation, but for her advantage and improvement.

The Earl of ABERDEEN said, that as the subject of the extension of the income tax to Ireland was discussed on Tuesday last, he thought it was unnecessary for him to return to that question at this stage of the Bill; and it was the less necessary, perhaps, in consequence of the speech of the noble Earl having had very little reference to the subject now before them, but containing a variety of topics and arguments which would almost have led any one to suppose that he meant to conclude with a Motion for the repeal of the Union:—at least his list of grievances and his accusations against the present and all preceding Governments induced the inference that it would have been followed by some such result. It was perhaps not very surprising that the noble Earl should consider him (the Earl of Aberdeen) and his Colleagues to be profoundly ignorant of the state of Ireland, because the noble Earl had taken a course the most contradictory that he could possibly have followed. He objected to the imposition of the income tax upon Ireland —that was intelligible enough; but then he equally objected to the remissions of those burdens which pressed so heavily upon Ireland, namely, the consolidated annuities. Well, how were they to please the noble Earl? If they laid a tax upon him, they did not please him; and if they gave him the remission of a tax or a burden, they did not please him. How, then, were they to deal with him? He must say that, were it not for the sincere desire which the present Government and preceding Governments had felt to develop the resources of Ireland, to consider her distresses, to compassionate, and, as far as possible, relieve her in her difficulties, he (the Earl of Aberdeen) must say that there would not be much encouragement for those who made such efforts if they were to be met in the manner in which the noble Earl met them. He was sorry to hear the assertion of the noble Earl, that Ireland had been treated with injustice and illiberality. The reverse was the intention of the Government, as it was also the reverse of the fact; and he must repeat what he had said on a former occasion, that the principle of the extension of the income tax to Ireland was so just and indisputable, that he believed that the representatives of this part of the kingdom would not have passed the income tax at all had it not been so extended. And when the noble Earl complained that Ireland had not met with the same measure of relief with regard to taxation as had been extended to this country, the reason was sufficiently obvious—there were not the same number of taxes to relieve Ireland from. Take, for instance, the soap duties, amounting to about 1,000,000*l.* Ireland was already free from them, and therefore, of course, it was impossible to relieve her from them. The same might be said with regard to the assessed taxes. They did not exist in Ireland, and, of course, they could not be taken away. But this he would say, that with regard to the distribution of taxation and the whole of the policy of Her Majesty's Government towards Ireland, he declared conscientiously it was his conviction that this Government, as well as preceding Governments, had honestly and zealously endeavoured to promote the interests of Ireland as far as was in their power consistently with justice to this country. He would not any longer delay their Lordships with a discussion which, if not irregular, was at least unnecessary, considering what had taken place on the second reading.

The EARL of CLANCARTY explained. He had not demanded that Ireland should be relieved from taxation; he had only said that the Government were putting taxes on Ireland in order that they might give greater relief to English taxpayers,

On Question, *agreed to:* House in Committee accordingly.

Clauses 1 to 41 *agreed to.*

On Clause 42,

The EARL of LUCAN was understood to observe that it was exceedingly hard on landlords who had borrowed money from the Government that they should not be allowed to deduct more than one-third of the amount in their returns under this Act.

The MARQUESS of CLANRICARDE expressed a hope that the Government would take into its consideration the whole method of levying the tax, with a view to improving it.

The EARL of WICKLOW observed, that there was at present on their Lordships' table a Bill enabling proprietors to borrow money from individuals in the same manner as they had hitherto done from the Government; he wished to know whether it was intended that the same description of deductions should be made from those who might hereafter be induced to lend money under the new Bill as was provided for in the present measure?

Clause *agreed to.*

On Clause 56,

LORD CAMPBELL said, he wished to enter his protest against the mode in which the income tax was to be levied in Ireland. He believed that the tax was properly about to be extended to that country, but then the method of applying it should be just and equitable. He would submit to the Government that, if possible, they should extend to Ireland the same mode of levying the tax as that which was adopted in England.

The EARL of ABERDEEN was understood to intimate that the subject should be taken into consideration.

Clause *agreed to.*

Remaining clauses *agreed to.* Bill reported without Amendment; and to be read 3ª on Monday next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 23, 1853.

MINUTES.] NEW WRIT.—For Stroud, *v.* Lord Moreton, now Earl Ducie; for Sligo, *v.* Charles Towneley, Esq. void Election.

PUBLIC BILLS.—1° Newspaper Stamp Duties; Edinburgh and Canongate Annuity Tax Abolition; Fisheries (Ireland) (No. 2).

2° Assessed Taxes.

HOLME RESERVOIRS (No. 2) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. COBDEN *presented* several petitions against the passing of the Bill. The petition from the inhabitants of Holmfirth, he said, referred to the bursting of the Bilbery reservoir on the 5th of February, 1852, by which eighty-three lives were lost, and property to the amount of 120,000*l.* sacrificed; and it expressed the fears of the petitioners lest the reservoir when reconstructed should again burst, and involve the inhabitants of the district in a similar calamity. He should, therefore, move that the Bill be read a third time that day six months. When the awful calamity to which reference was made in the petition occurred, there was a large amount of sympathy felt throughout the country, and subscriptions were made to a much larger amount than the relief committee felt called upon legitimately to distribute, and in consequence they set aside 6,000*l.* towards the reconstruction of the reservoir, thinking that was the best way of benefiting the neighbourhood. The relief committee were not generally inhabitants of Holmfirth, and consequently were not aware of the best mode of benefiting the district. Now, it was natural that after such a calamity there should be a great dread of having such a reservoir reconstructed. The reservoir would overhang the valley, and any neglect, any want of engineering skill, any want of capital to make repairs, would overwhelm the valley with the same fatal results as before. He apprehended if the reservoir were of paramount necessity to the interests of the valley, the community would get over their fear, and would most likely say they would trust to a better construction of the dam, seeing that they could not obtain employment without it. But he maintained that this reservoir was not requisite in order to give employment to the district. Almost every manufacturer in the district had a steam engine as well as a water wheel; and all who were acquainted with manufactories knew that when a manufacturer was obliged to keep up a steam engine as well as a water wheel, the water wheel, even if he got the water for nothing, was of very little value. But in this case they were rated for the water whether they used it or not. Therefore he maintained that this reservoir was not necessary for the employment of the people in that district. [The hon. Gentleman then read a letter from the largest manufacturer in the district bearing out these statements.] Sympathising with the feelings of the inhabitants of Holmfirth, he maintained that if they could make the reservoir so safe that Mr. Stephenson, or Mr. Locke, or any other eminent engineer, should, on seeing it, pronounce it perfect, yet it was totally impossible that parties who had lost their relatives and their property by its bursting before, should be free from anxiety and fear. He knew it was said by the Chairman of the Committee, that the Bill ought to have been opposed in Committee. It was opposed by private individuals, but the public did not appear there, and were not aroused till the Bill had passed through the ordeal of the Committee. But if it were merely an ordinary reservoir, the Committee had not even taken the ordinary precautions. There was a provision that it should be inspected every year by the Commissioners; but he had seen other reservoirs where they had had no such warning as at Holmfirth, with respect to which it was required that a Report should be presented yearly to the President of the Society of Civil Engineers, or some person appointed by him. This Bill had not been promoted by the public, but by the mortgagees. It was owing to the neglect of the mortgagees, or rather the embarrassment into which the concern had fallen, that the calamity happened; and he believed that now, though they had got 6,000*l.* from the relief fund, they would not have sufficient funds to go on with—that the reservoir would not be constructed efficiently, and would not in future be well maintained. He trusted, therefore, that the House would reject the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. BECKETT DENISON said, he was the Chairman of the Committee, and they had no counsel before them to oppose the Bill; but there were two very intelligent men, constituents of his hon. Colleague and himself, who occupied a good deal of their time, who would have withdrawn their opposition if they could have got a clause inserted to exempt them from being rated. Due notice was given to the millowners in the valley of Holmfirth, who would be rated in support of the reservoir, and he thought the promoters made out an exceedingly strong case for the Bill. It was true a certain number of millowners might by possibility, if there was another break down, be affected by damage, as they were before, but there was no good reason for supposing that would be the case. It was a melancholy thing to have to state that an expenditure of 5*l.* would have kept the dam in repair, have saved the lives of eighty-three persons, and the destruction of 120,000*l.* worth of property. The Committee were unanimous in favour of the Bill.

VISCOUNT GODERICH said, he had received a number of communications, all in favour of the Bill; but a gentleman who opposed the Bill stated to him that in consequence of the rating it would be a loss to him personally.

MR. LABOUCHERE said, this was a question of considerable difficulty to the House. In matters of private interest he would pay deference to a Committee; but he thought in this case they ought to have an assurance from the Chairman of the Committee that they had considered the public safety.

MR. BECKETT DENISON said, the Bill contained a clause directing the proceeds of the rates to be raised under it to be applied—first, to the expenses of management; and, secondly, to the repair of the reservoir; and as the Commissioners would have the power to raise rates to the amount of 1,200*l.* per annum, he thought there could be no doubt that the reservoir would be kept in proper repair in future.

Sir ROBERT H. INGLIS said, he thought the House ought to be satisfied that the Committee had come to a right conclusion in this matter. The Committee were unanimously of opinion that the reservoir might be restored with perfect safety to the public.

Mr. MUNTZ said, he thought it was quite capable to construct a reservoir with perfect safety to the public. It was only to a want of ordinary care that the late fatal accident at Holmfirth ought to be attributed.

Mr. HUME said, he thought this was a question which deserved the attention of Her Majesty's Ministers. Some individual ought to be appointed by them to travel through the country, from time to time, to inspect the condition of reservoirs and canals.

Mr. FLOYER said, he fully concurred in the hon. Member's (Mr. Hume's) views. It was the opinion of the Committee that a more effectual supervision of reservoirs should be introduced.

Mr. BROTHERTON said, that the opponents of the Bill supported the Amendment on the ground of humanity; but the engineer who had been examined stated that the reservoir would be perfectly safe.

Mr. COBDEN said, that if the Bill were recommitted, more stringent precautions might be taken, which would satisfy the public mind on this subject.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 129; Noes 21: Majority 108.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

TAUNTON ELECTION COMMITTEE.

Mr. HUTT appeared at the bar of the House, and brought up the Report of the Committee. House informed, that the Committee had determined—

"That Sir John William Ramsden, baronet, is duly elected a Burgess to serve in this present Parliament for the Borough of Taunton."

And the said determination was ordered to be entered in the Journals of this House.

LEGISLATIVE COUNCIL OF INDIA.

Mr. BLACKETT: Sir, I wish to ask the right hon. Gentleman the President of the Board of Control, the questions of which I have given notice. The 45th section of the last Charter invested the Legislative Council of India with full power to pass laws for that empire; but the 47th section of that Act excepted two cases, in which the Governor General and Council should not be competent to legislate. Mr. Cameron, in his evidence before the Committee, stated that while the Legislative Council was occupied in deliberating on certain legislative measures, there came an order from the Court of Directors prohibiting the Council from proceeding further in the consideration of these measures. It is further stated that the Directors had applied to the Attorney General and Solicitor General of that day for their opinion as to the legality of the prohibition; and the then Attorney General and Solicitor General stated that the prohibition was legal, and was justified by some clause in one of the old Charters which they construed not to have been overridden by the 43rd clause of the existing Charter Act. As it is desirable that we should know exactly the powers of the Legislative Council of India, I beg to ask the right hon. President of the Board of Control whether he will have any objection to lay before the House copies of the case submitted to the Attorney General and Solicitor General, with reference to the right of the Court of Directors to prohibit the Governor General of India in Council from proceeding to the consideration of certain legislative measures, and alluded to in Question 2,083 of the minutes of evidence taken before the Select Committee of the House of Lords on Indian Territories, and of the opinion given by the said Attorney General and Solicitor General? Perhaps the right hon. Gentleman will also have the goodness to inform the House whether it is his intention to grant me certain returns, the heads of which I laid before him two or three days since, specifying the details of expenditure, amounting to 450,000*l.*, which is set down without any specification under the head of donations to the service fund of India, and the interest payable thereon.

Sir CHARLES WOOD: In answer to the first question of the hon. Member, I have to say that it is not usual to lay upon the table of the House the opinions on cases submitted to the law officers of the Crown. I must, therefore, decline to accede to that request. In answer to the second question of the hon. Gentleman, I have no objection to furnish him with those returns.

Mr. J. G. PHILLIMORE: I beg to ask the right hon. President of the Board of Control whether it is the intention of

Her Majesty's Government to sanction the confiscation of the Nizam's dominions, which the Governor General of India has declared his intention to enforce?

Sir CHARLES WOOD: Not having heard from Lord Dalhousie what his intentions are, or what he proposes to do, it would be premature to give an answer at present to the question of the hon. Gentleman.

GOVERMMENT OF INDIA BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Lord STANLEY said, that in rising to move the Amendment of which he had given notice, he could, in the first place, assure the House that it was not as a mere matter of form or custom, but from a deep sense of his own inadequacy, that he ventured to solicit from hon. Gentlemen on both sides of the House an indulgence, on which, as they were aware, he did not often trespass. The right hon. Gentleman opposite (Sir C. Wood), on the occasion when he introduced the Bill which they were now discussing, certainly did not, either by the provisions of the measure itself, or by the statements with which he introduced and supported it, lay himself open to the charge of not having expressed his views upon every question relating to India with sufficient plainness and distinctness. The right hon. Gentleman went through, and reviewed certainly with great ability and ingenuity, the whole history of Indian administration in all its branches. Although, however, no one could feel more deeply than he (Lord Stanley) did the importance of interests involved in this subject, though he was not disposed in any manner to overrate its magnitude, yet he might relieve hon. Gentlemen from some apprehension they might entertain, by stating at the outset that it was not his intention, as it was not his duty, to follow the right hon. Gentleman through the greater part, or even through a considerable part, of the subjects on which he had thought it necessary to dilate. The Amendment of which he had given notice did not deal, and did not profess to deal, with the question which, sooner or later, they would have to solve—namely, how the future Government of India was to be carried on? He did not ask the House to pass any verdict retrospectively, either of censure or acquittal, on the administration of the East India Company—he did not ask the House, looking to the present, to pledge itself to any approbation or commendation of that which was commonly, though rather vaguely, described as the system of double government: on the contrary, the whole scope and tendency of his proposition went to prove that it was not at this moment possible—or, at any rate, if possible, that it was not expedient or advisable—to come to a decision, either upon the one or the other of those subjects. He asked the House to affirm that now, towards the close of a protracted Session—that now, when the right hon. Gentleman's measure had not been so short a time before them that it was not possible that the public opinion of India could be obtained—that now, when the public opinion of England on this question of the Indian constitution could hardly said to be matured—above all, that now, when the Committees of that and the other House of Parliament, appointed, not merely to gather information and to collect evidence, but to report upon that evidence, and to give to the House and to the country the benefit of the conclusions to which they should come—that now, when those Committees had, not only not yet reported, but even had not yet finished their inquiries—he only asked the House, he repeated, to affirm that under these circumstances, it was not expedient—it was not advisable—it was, in fact, hardly possible—to legislate for the permanent government of India. First, as to the question of time, hon. Gentlemen would recollect that the present Parliament had met at a period cosiderably earlier than usual—that they had met in the first days of November last—that they sat for a period of rather more than six weeks—that they adjourned over the Christmas holidays, and assembled again in February—and that from February to that time they had sat almost continuously; and now, at the close of the month of June, they were entering upon the discussion of one of the largest and most important measures which during the last twenty years—he might almost say during the last half century—had been submitted to that House. Of course, in taking that line of argument, he laid himself open to an objection which he easily perceived. It might easily be said that as the question was of such first-rate importance, and one in which the country was so deeply interested, it would be no great sacrifice on the part of Parliament to postpone their usual time of adjournment, and to sit some time longer than usual in order to dispose of it;

but he would say that, considering that both Houses had now been sitting since the month of November—considering that by the 10th or 11th of August next there would have been a nine months' sitting, with a small interval—it was not reasonable to expect—it was not probable that the House would consent to continue its sittings further into the approaching autumn, even if that were desirable; and he certainly could not conceive anything more inconvenient, not only as regarded the conduct of the public administration, but themselves personally—he could not conceive anything more calculated to injure the legislation of the House, than if they were to sit almost permanently, from year's end to year's end, having a very short interval to look back on what they had done, and to consider and mature their measures for the future. He thought, therefore, it was neither likely nor desirable that the present Session should be protracted until the close of August, and that would allow for the discussion of this Indian question a period of about six weeks. That would not be a very long period to devote to that question, even if the House had no other subject to occupy its attention. So far from this, however, being the case, when he looked to the notice paper of that very day, he saw no less than twenty-eight Orders; and they had a vast amount of business before them—business, it might be, not of first-rate importance, and which they could afford to postpone, but still it was business which, at the close of the Session, generally kept them sitting within those walls for a period of twelve hours a day during four days of the week. He had looked back to their Parliamentary annals for some years past, and ascertained the time which Parliament or the Government of the day had thought fit to allot to some of the great questions which had been introduced into and discussed by the Legislature. He would begin with the Reform Bill; and, without saying anything of the time occupied with the Scotch and Irish Reform Bills, would merely refer to the time that was occupied by the English Reform Bill alone. That Bill was introduced into the House on the 12th December, 1831; it was read a second time on the 22nd March, 1832, and came down from the House of Lords on the 5th of June; the discussion occupying altogether a period of six months. It might be said, perhaps, that the Reform Bill was not a measure of ordinary importance, but was one which affected the interests of a large number of the people of this country; but he (Lord Stanley) apprehended that the question they were now discussing was one that affected quite as deeply the interests of a much larger number of people. He had referred to the measure for negro emancipation—a large, a most important measure—and he found that the Bill was introduced into the House early in May, remained for more than three months in this House alone, and did not finally pass until the end of the Session. He had taken the Bill for the repeal of the corn laws—and when was that measure brought forward? The statement of Sir Robert Peel was made so early as the 27th of January; the Bill was read a third time in that House on the 15th of May, and it was read a third time in the House of Lords on the 25th of June; occupying altogether a period exceeding five months. He took the Ecclesiastical Titles Bill of the year before last; that measure was introduced by the noble Lord opposite (Lord John Russell) on the 7th of February, 1851, but did not pass the two Houses until near the close of the Parliamentary Session. These cases verified, he thought, what he had affirmed, that there was no instance within the memory of any of them of a measure of such magnitude and importance as that of the right hon. Gentleman being brought forward at such a period of the year, and an attempt made to pass it through Parliament so precipitately. But, moreover, on every one of the measures to which he had alluded as precedents and parallels for guidance, the opinion of the country had to a great extent been formed; but that was not the case with regard to the measure now before the House. If they looked back to their former legislation with regard to India, he apprehended they would find that a much longer period had been allowed for deliberation on all former occasions than it was proposed to allow now. If ever there was an occasion when the House was overloaded with business, it was in the year 1833—if ever there was a period when the hasty passing of a measure with regard to India would have been justifiable or excusable, that was the time. The House was overladen with business. In 1833 there was every excuse for passing the measure for the renewal of the Charter with more than ordinary rapidity; yet in 1833 how was the Indian question dealt with? A Committee had been moved for and appointed in February, 1831—three years before the expiration of the Charter, and fourteen months earlier, in proportion, than the nomination of the Committee that was appointed in the beginning of last year. That Committee was reappointed in January, 1832, and closed its sittings, and reported, in August, 1832; and a full year was allowed to Parliament for the consideration of that report; the plan of the Government was proposed to the Directors in February, 1833; by the Court of Directors and by the proprietors it was accepted, and, so far as they were concerned, was unopposed; and thus, coming before Parliament in the form of an unopposed measure, it was introduced into the House of Commons in the middle of the Session, and was passed the same year. Although the change then introduced was undoubtedly less extensive than that which the right hon. Gentleman proposed, and although the time at which the measures were brought before Parliament was nearly the same, yet at least one year more was given for the consideration of the measure than was allowed now. In the year 1813, when the changes introduced for the government of India were less considerable than those which the right hon. Gentleman now introduced, he (Lord Stanley) found that the Ministerial statement was made in the month of March, evidence was taken, not before a Select Committee, as was now done, but before a Committee of the whole House—a mode of proceeding which was now impossible, and which might be inconvenient, but a mode of proceeding that had the effect of enabling hon. Gentlemen in general to become much better acquainted with the evidence than they were likely to be now; and after the evidence had been taken, and the statement had been made early in spring, the measure did not pass until the close of the Session. He would not weary the House with details, but, looking so far back as the year 1783, when the great organic change was made in regard to the government of India, he found that Mr. Fox's measure for the government of India was proposed on the 18th November. A change of Government took place, and Mr. Pitt's Bill was proposed on the 14th January, 1784, and that measure was ultimately carried in the autumn of the same year, the measure having been eight months before the Legislature. It should be also recollected that the measure had been preceded by the sitting of a Parliamentary Committee, which carried on its inquiries for upwards of two years. Having referred to those cases, he thought he was entitled to say that it was unusua and unprecedented to introduce a measure like that of the right hon. Gentleman at the present time of the year. He said, also, that it was not desirable that such a Bill as this should pass without an opportunity being given to show the public opinion of India. He would admit at once, when he spoke of the public opinion of India, that he was not referring to the public opinion of the Natives. He should attach great value to the evidence and opinions of the Natives of India on every question of local grievance or local administration; but when they were dealing with constitutional changes in the Government of that country, he would not dwell much upon the importance of getting the evidence of the Natives who might be inclined to give their evidence. When, however, a measure of this kind was proposed, which deeply affected the interests of between 6,000 and 7,000 Europeans in the civil and military service in India, some of them men who had passed many years in India, most of them men whose attention had been necessarily drawn to the subject, if there was no strong reason against it, it certainly appeared to him to be wilfully giving up a great advantage if they did not procure the opinions of classes whose evidence and suggestions might be exceedingly valuable. The House must remember that the number of those men who came over to this country was necessarily comparatively small. When they introduced any Bill affecting local administration in this country—for instance, a Bill relating to the poor-laws or county rates—it was generally their first object to print that Bill, and circulate it among the classes concerned, so that its provisions should be made known as far as possible, and in that way a public opinion concerning it, which might be a material check to the Legislature, was collected. He had stated that he regarded public opinion in England as hardly matured as to the best mode of legislating for India. If he might describe what he believed to be the state of public opinion in this country, he should say that there was a very general feeling of dissatisfaction at the manner in which the affairs of India had been administered—there was a very general feeling that some change was desirable, if not necessary—but there was a general ignorance, or rather indecision, as to what the exact nature of the change required. That was the state of public opinion, he believed, at present, and that was what he meant when he said that public opinion was hardly matured for legislation. With regard to the labours of the Committees of both Houses of Parliament, it was unnecessary to dwell upon the disadvantage of legislating until they received their reports. He had heard it urged that, although the Committees had not closed their sittings, or concluded their labours, still that they had taken and had before them all the evidence which related to the constitution of what might be called the Home Government of India—that that might be detached from the rest of the question—and that it was quite possible to regenerate the Indian constitution for the government of the people of that country, though they had obtained no information as to the working of that constitution amongst them for years past. He did not see how they were to judge of the mode in which the affairs of India would be best administered, except by profiting by the experience of past years. If they wanted to know whether it was necessary to make a change—and if so, what that change should be—in the constitution of the Indian Government, it was indispensable to ascertain, in the first place, what had been the working of that Government in India. He did not conceive how they were to judge of a Government otherwise than by its measures. They judged of a tree by its fruit, and they judged of an administration by the effect which it produced amongst the people whose affairs it administered. He had heard it said, though not in that House, that the East India Company were now placed on their trial. He admitted the fact, that they had placed the East India Company on their trial; and what the right hon. Gentleman proposed now to do was this—having received a portion of the evidence, he interrupted the proceedings, and called upon the Legislature now, without further investigation, at once to bring in their verdict. He thought, even in the few words he had uttered, that he had made out a *primâ facie* case for postponement, unless strong arguments could be shown on the other side for immediate legislation. He, and those who thought with him, were often met with the assertion, supported, it was true, by some high authorities, but not by a great deal of evidence or argument, that any delay in giving a permanent government to India would be productive of injury. The right hon. Gentleman (Sir Charles Wood) had quoted the high authority of the Governor General of India, Lord Dalhousie; and he

(Lord Stanley) would be the last person to detract from or to attempt to invalidate the weight of the evidence of that noble Marquess, for India had very seldom seen a more able or a more indefatigable administrator. Certainly, to any of his opinions, deliberately offered and calmly expressed, upon a subject with which he was necessarily well acquainted, he would be inclined to pay all proper deference; but without meaning to argue that the right hon. Gentleman, in quoting the opinion of the Governor General, without communicating the letter on which it was founded, was not fairly representing the opinion of Lord Dalhousie, it was quite possible that the right hon. Gentleman had put a leading question to the Governor General and so had got the answer he wanted— [SIR CHARLES WOOD: No, no!] The right hon. Gentleman said, "No;" but if Lord Dalhousie merely said, that if they had a measure ready, the sooner they legislated the better, that was a point on which there was no difference of opinion in that House or out of it. The question was, whether they should legislate now, under the circumstances he had mentioned, and towards the close of the Session, or whether they should take time to deliberate, and postpone legislation for one or two years. There being a balance of opinion, the question was, which of these courses would be the least injurious. The East India Company were in favour of immediate legislation; but they were not impartial witnesses. Lord Ellenborough, some time ago, expressed an opinion that the question was ripe for legislation during the present Session. He was inclined to attach great weight to the authority of that noble Earl, who had been formerly Governor General of India; and if that noble Earl had painted in strong colours the danger of postponing legislation, he would certainly have acknowledged the great weight of that authority; but he did not find, when he came to look at Lord Ellenborough's opinion after he had become acquanted with the Government measure, that, on the whole, he was in favour of the present measure in preference to a postponement. Although the noble Earl announced in his place that he was desirous of immediate legislation, which was quite a natural conclusion for the noble Earl to come to, considering the position he had occupied with respect to India, nevertheless, the noble Earl expressly declared, at the same time, that the measure proposed by the right hon. Gentleman opposite, was one which, in his opinion, was more calculated to produce agitation than to allay it. He (Lord Stanley) had heard of a somewhat singular argument employed by a distinguished Member of the Government in another place, namely, that as to waiting until they had full information on the subject, to master any one head of Indian inquiry would require a period, not of months, or of weeks, but of years. He (Lord Stanley) thought that argument, founded on such a statement, was ridiculous. And was it to be said, that because they could not obtain accurate and complete information on the whole question, they, were therefore to dispense with information altogether. But, passing from that question, he would ask, what were the arguments urged with regard to the supposed danger of suspending legislation? They were told that they were likely to have an agitation in India. Did that mean an insurrection—did it mean an agitation by physical force ? If that was really the meaning of the argument, he believed that a more baseless apprehension never disturbed the mind of man. Let them look back to all their former history connected with the legislation of India. He believed there was not a single instance on record of a disturbance taking place in India, whilst the Legislature at home was discussing a question of this kind, unless they excepted a military disturbance in Madras, which took place in the beginning of the present century. Look at the periods when the Acts of Parliament relating to the Government of India had been discussed. From 1783, downward, they had frequently put the Government of India on its trial; they had said over and over again that it should be submitted to Parliament to decide whether the present form of government should continue or not. That was just as well known to the natives of India in 1783, or in 1813, or 1833, as it was known that that House was doing the same thing now. But he need not go back to 1783, or to 1813, because during the last two years it had been perfectly well known in India that within a very limited period a proposition would be submitted to Parliament with the view to change the existing form of government. He would ask if any disturbance which was the result of that knowledge had taken place in India within that period ? He did not believe there was any one conversant with India who entertained any apprehension of an interruption of the peace of that country. There was on the contrary, every reason why no such insurrection or disturbance should take place; the immense military force we had in India, the unwarlike habits of the people, the want of any distinguishing Indian nationality, the differences, jealousies and want of confidence between the Mahomedans and the Hindoos, all prevented them from combining against the Europeans. The House must recollect that the result of the whole policy pursued by the East India Company had been to take away, as far as possible, the number of eminent, influential, and wealthy men among the natives; so that if there were any inclination to disturbance, there was not one leader in the country whom any great proportion of the population would be disposed to follow. Besides, they had a great number of distinct races, between whom little or no sympathy existed, and between some of whom absolute feelings of hostility existed; and the House had all the experience of the past that such a movement as was suggested had never occurred. It did not seem to him very reasonable to suppose that the same people and the same races who had seen their native rulers overthrown and their native governments destroyed, and who had passed under English sway almost without a murmur—merely because the Legislature was about to make a change, of which it was highly probable that the great mass of the people of India would know nothing, even when it had taken place—it did not seem to him reasonable to think that the Native races would consider that a sufficient pretext for anything like an insurrectionary movement in India. Again, it might be said, that although there might be no physical-force agitation, yet there was danger of an agitation in India of a similar character to that which we occasionally had in India in times of excitement. But he contended that such a thing was totally repugnant to all the feelings and habits of the Natives of India. Even if a large number of petitions and representations of local grievances was poured into that House—even if the Natives did begin to find out that they wanted schools and roads, and the remission of taxation, he confessed he did not, from an agitation of that kind, apprehend any very serious results; on the contrary, if the people of India could be got to take a little more interest in their own affairs he did not believe it would either injure the stability of the Indian Government, or be likely to tend to disturbances. Such a movement would, in his opinion, very materially tend to assist in carrying out the administration of that country. He repeated, he certainly could not understand what was meant by saying there was danger of an agitation in India, merely because it was known there that the Legislature of this country was ready to provide a remedy for their grievances. He should imagine, if anything would tend to repress all attempts at agitation by physical force, it would be the knowledge that, whatever wrongs they might suffer, or believed they suffered, they had a constitutional, peaceable, and accessible remedy, and that that House was ready to take their case into consideration. He could not, then, understand upon what ground such an agitation was apprehended by those who supported the measure of the Government. But then it was said, if Parliament suspended the Government of India, and if the present state were believed to be only provisional, the principle of authority in India would be weakened. But he would ask if the Bill itself of the right hon. Gentleman the President of the Board of Control did not bear the impress of provisional legislation? The right hon. Gentleman, at all events, had produced a measure which he said was to be regarded as an experiment, and which could be amended if it did not work well. But surely the result of that was to suspend legislation, and to produce a provisional state of things for an almost indefinite period, instead of, at the most, for one or two years, as he (Lord Stanley) proposed. He did not know how that argument could be used by those who supported, far less by those who introduced, a measure of this kind. As regarded the actual administration of affairs in India, what would be the result of putting the Company on its trial for a little time longer? He believed it would be simply this: That all persons employed under the existing Government would work under an increased sense of responsibility, and with increased activity in the endeavour to set their house in order, knowing that this question would again shortly come under the consideration of Parliament. It was generally said in India that more local reforms and improvements were effected in the two or three years which preceded the expiration of the Charter, than in the whole previous period of its duration. That he believed to be literally the case. There seemed every probability in its favour; and it was not going too far to anticipate that a similar beneficial result would flow from the suspension of permanent legislation for a given period. He might now be excused for noticing a kind of taunt that had been thrown out against the late Government, in reference to this question, in another place. He understood it had been said there that although hon. Members on that—the Opposition—side of the House were now proposing to suspend permanent legislation, yet that it was the intention of the late Government to have legislated immediately. He begged to say, most distinctly, that that allegation was utterly unfounded. He had looked back to see what had been the language held by the leaders of the late Government at the time when the Parliamentary Committee on Indian Affairs was appointed, but he had found nothing in that language to justify the taunt to which he had referred; on the contrary, he found the following words used by the head of the late Government, in the House of Lords, on the 2nd of April, last year:—

> "By the Reports of the Committees of this and the other House of Parliament, Her Majesty's Government are ready to be guided in the course they will pursue; and to those Committees must be deputed the important task of considering how the affairs of India shall hereafter be best conducted."

On the 19th of April, Mr. Herries, in that House, in moving for the appointment of a Committee, said—

> "There was one of three courses to be pursued by Parliament and by the Government of the country for the time being. One was to suffer the Act to expire; another, to propose to Parliament the renewal of the Act without further inquiry; the third was to propose, as was now proposed, a Committee of Inquiry preliminary to the determination whether or not the Act of 1833 should be continued. Her Majesty's late Government resolved to adopt the course of submitting the subject to Committees of both Houses of Parliament, and, after most mature reflection, Her Majesty's present Government had also come to the judgment that such would be the course most becoming the importance of the subject, and also most befitting the respect which, on so great a subject, it was becoming in them to pay to the opinion of Parliament."

From these extracts it was evident that the late Government expressly declared their intention to legislate on the reports of the Parliamentary Committees; and he was not aware that anything had occurred at any time to justify the statement that the late Government had intended to legislate previously to receiving their reports. One word with regard to the form of the

Motion he was about to submit to the House. The words of that Motion were—"That in the opinion of this House further information is necessary to enable Parliament to legislate with advantage for the permanent government of India; and that, at this late period of the Session, it is expedient to proceed with a measure which, while it disturbs existing arrangements, cannot be considered as a final settlement." Of course, that Amendment was open to the objection that it was necessary to legislate in some form or other before the present Act expired. He wished it to be understood, therefore, that though it was not mentioned in the Amendment, he assumed the passing of a Continuance Act for a limited period of time. It now became his duty to offer one or two remarks on the measure itself of the right hon. Gentleman. That measure contained a variety of details. It contained many provisions to which, at present, he (Lord Stanley) had no desire to offer any objection; but it contained one or two others which he thought exceedingly objectionable. There were one or two very important changes which would greatly affect the character of the Indian population. He meant the addition of Legislative Councillors to the Council of India; that was a provision, however, on which he did not propose on this occasion to offer an opinion. There was also the appointment of a law commission. He named those measures as those to which he did not, on any ground of principle, entertain any objection, and which they would have an opportunity of considering in detail. But he would call the attention of the House to the three main provisions of the Bill, namely, the non-renewal of the Charter for a fixed period; secondly, the change in the mode of distributing patronage; and, thirdly, the change in the constitution of the Court of Directors. There were some persons who, though not approving of the Government measure generally, were nevertheless disposed to accept it in the nature of an experiment. That, however, was not his view of the present question. Looking at all the circumstances of India, he must confess he thought that, instead of proposing a measure so obviously experimental that it was left open to alteration from year to year, it would have been much preferable if the Government had come forward with a well-considered plan, and said, "Here is a constitution for India; be it good or be it bad, let it have a fair trial." He said he thought it would be better to pass their measure, whatever it was, for a certain fixed period; and his principal reason for that was, that he apprehended it was only occasionally—and the occasions were very rare, that such a great amount of public attention as at present was directed in this country to Indian affairs. Domestic questions of an important nature might claim attention in succeeding Sessions, and when the House and the country were engaged in discussing them, the affairs of India would excite only secondary interest; and he thought there was something in the knowledge that they must legislate at a particular time which tended to concentrate a greater amount of attention on Indian affairs than they would otherwise engage. The President of the Board of Control had dwelt much on the question of patronage. Now, in reference to this subject, certainly the Directors of the East India Company had been subject to a great deal of criticism and censure for the manner in which they had exercised their office. In that censure he, for one, did not agree. He believed the patronage of the Company had been better distributed than might have been anticipated—that was to say, the men were better than the system; but he thought the system which placed so large an amount of patronage in private hands, under the circumstances in which it was placed in those hands, was not calculated to promote the interest of the public service. They gave to a Director a sum perfectly inadequate as a remuneration for the services he had to perform. Those services were performed in private; they were not brought before the public eye; he was not paid in fame or reputation; he was not paid in pecuniary emolument; but it was said he was paid in patronage. The necessary inference from that was, that the patronage was not to be entirely for the public benefit. If a Director was merely to act as a judge between the conflicting claims of candidates for public employment, that was certainly a laborious and an invidious office. When they threw on such a person the discharge of a somewhat laborious office, at a salary not higher than was paid to a head clerk in any of the public offices, and placed a considerable amount of patronage in his hands, he (Lord Stanley) thought that was a system which, without meaning to throw the slightest blame on individuals, implied that he was allowed a large discretion in the distribution of that patronage for private purposes. He apprehended that so long, under those circumstances, as that system, or anything like it, was maintained, they would find that the patronage would be employed in the way he had mentioned, and they would not find that such employment of it was sanctioned by public opinion. The right hon. Gentleman the President of the Board of Control concurred with him in condemning a system which left so large an amount of patronage in private hands; and when listening to the right hon. Gentleman's language he supposed that he was about either to abolish the system, or greatly to modify it. When, however, he came to look at the right hon. Gentleman's project, and to compare it with the existing system, the reform proposed appeared to be absolutely disproportionate to the flourish of language employed to introduce it. He found on an average of eighteen years past the Directors had annually in their gift 286 military and 35 civil appointments; and under the existing system the patronage was divided among 24 Directors. One civil appointment was worth, in pecuniary value, as much as three military appointments. If for the convenience of calculation they turned them into the value of military appointments, the House would find that every Director had, at present, at his disposal ten and a fraction military appointments, and only one civil one. By the new system, instead of twenty-four Directors being in office at a time, they would have eighteen, and therefore the patronage would be divided, not, as before, among twenty-four, but among eighteen; and he calculated that, under the new system, thirteen cadetships would remain to each Director, whereas, under the old system, he had fourteen. Now, really, if this were all the reform the Government effected, they might as well have left the system alone. If the system were good, why meddle with it? If bad, why stop at this petty change? In this respect the Government plan was not reformatory, for it left the abuse untouched; it was not conservative, for it condemned what it continued. Then, with regard to the manner in which the right hon. Gentleman proposed to deal with the civil patronage, he had introduced a principle unknown in this country, but which was said to prevail in China, and therefore it might be called the Chinese principle, namely, that of unlimited intellectual competition for admission to civil offices. He did not for a moment deny that the introduction of such a system was an improvement upon the present one. He believed it was infinitely preferable that those appointments should be reserved for persons who by their intellectual merits were more capable of filling them with credit than others. He approved of that principle; but though he was far from condemning the experiment, still he could not help thinking the right hon. Gentleman would find some practical difficulties in carrying out such a plan in detail. In the first place, the competition was open to all England. He did not know exactly the number of applications that had generally been made for civil appointments; but if it was anything like the number of applications which all persons received for situations of infinitely less importance, he apprehended that the number would be much greater than the right hon. Gentleman seemed to anticipate. There would also be a practical difficulty in submitting to a proper examination such an enormous and unwieldy number of persons. In the next place, it was an objectionable thing to make a man's fortune in life depend upon his proficiency at an early age. The precocious efforts of youth were not a sure test of future ability in the man; and he thought the principle proposed with respect to examinations by the right hon. Gentleman was rather exclusive in refusing admission to civil offices to all those, however highly qualified for it, who had not taken the initiatory steps at an early period of life. Upon the whole, however, he thought the proposed principle of intellectual competition was so infinitely better than the present system of distributing patronage, that he was not willing to find fault with the details of that part of the measure. The principle of unrestricted competition was good; but if acted on rigidly they were running some risk of flooding India with over-educated mediocrity. If the principle of competition was adhered to, he would suggest that it would be advisable to distribute some part of that patronage among the principal educational establishments of the country, instead of leaving it to depend on any peculiar form of education, the nature of which they did not know. He thought by doing so they would have an equal opportunity of getting as large a number of educated and efficient men. It was also a question whether some part of the patronage which they proposed to give to competition might not be advantageously retained for distribution by the Government; he did not mean indiscriminate distribution, and certainly not for any political influence—but for distribution among the sons of those who had distinguished themselves as civil or military servants of India. That would certainly be cheap, and he thought it would be exceedingly valuable to a class of men, many of whom at present lived in England in by no means wealthy circumstances, and than whom there existed none more laborious or indefatigable. He came now to the manner in which the right hon. Gentleman proposed to deal with the Home Government. He (Lord Stanley) did not think it necessary to dwell upon the somewhat curious and complicated machinery by which the right hon. Gentleman proposed to carry out his plan. He took that plan as it would be when it came into full operation. That question necessarily led them to the consideration of the general question of a double or a single government. Whatever was said against the double government as at present existing, he did not believe he had ever heard any scheme proposed for the government of India which did not, to a certain extent, contain the principle of a double government, but not necessarily of double responsibility. The right hon. Gentleman proposed the establishment of an intermediate council. But if the Legislative Council which the right hon. Gentleman proposed, was to be anything corresponding with the Council in India, which he (Lord Stanley) believed was the plan proposed, they must give to the members of that Council the power of recording their opinions, and a control, to a certain extent, over the Minister; and in the same proportion as they allowed them to control the Minister, they would be introducing the principle of a double government. The real question at issue with reference to the Home Government was, not whether there was to be a double or a single government, but what the double government ought to be, and in what manner it was possible to give the greatest effect to its control over the affairs of India. Looking to the plan of the right hon. Baronet, it did not appear well devised for the purpose of giving efficiency to the system of double government. Whether such a government was a right one to adopt or not, was a question upon which it was not his intention then to express any opinion; but if there was one thing which more than another was required in that body, it was that those who composed it should possess absolute independence of the Government of the day. Now, what was the plan of the right hon. Baronet? He took the existing body of Directors, reduced their numbers, and added to them one-third who were to be nominees of the Crown, who would be allowed to have seats in the House of Commons, and it was absolutely impossible that such persons should not be, in some degree, under the influence of the Minister of the day. He was not about to ask the House to pledge itself by any opinion as to what should be the nature of the government henceforth to be adopted for India, but he had no hesitation in saying that if they were anxious to avoid a continued agitation, or to introduce any change or reform, those reforms could only completely deserve the name which dealt effectively with the Court of Proprietors. A great deal, no doubt, was to be said on behalf of the double government, consisting of the Board of Directors and of the Board of Control; but he had never heard a single argument adduced in defence of the maintenance of the existing Court of Proprietors. That body had no acquaintance with Indian affairs, took no particular interest in Indian affairs, exercised no control over the Directors who were elected by them, and possessed no responsibility whatever. He held, therefore, that any measure which maintained the Court of Proprietors on their present footing was not likely to benefit the people of India. Now, the measure proposed left this Court in precisely the same state as at present, with the exception of the introduction of some by-laws, the object of which was to do away with canvassing for Directors. He had no doubt, from all that he had heard on the subject of the canvass for the office of Director as now carried on, that the system tended greatly to keep good and useful men out of the Direction. There was no other mode of putting a stop to the practice than the simple expedient of prohibiting it by law; but the by-law which the right hon. Gentleman proposed prohibited any proprietor canvassing or soliciting votes on behalf of himself or of any other person, under a penalty of 100*l*. The sole result of this prohibition would be, that it would prove fruitless—that it would answer no practical purpose. Any one not a proprietor might canvass. What did this distinction mean? In future, a Director must not employ a proprietor to canvass for him, but he might employ any one else. Then what was meant by forbidding solicitation? They might as well pass a law that no man should ask an appointment from Government. Could they make it penal for one man to ask another, "Will you vote for me?" They might depend upon it that, so long as a large amount of valuable patronage was left in the hands of the Directors, any Act passed for preventing canvassing would be a perfectly nugatory enactment. Take away the patronage, and then all such bargaining would cease. He would pass over many matters of detail to which he might have adverted; but he wished to point out to the House that the Bill of the right hon. Gentleman, as he understood it, did not do away with the great abuses so much complained of—that it was not a measure of reform, dealing with any of those abuses of which so much complaint had been made; nor was it simply a measure of continuance, retaining the existing system upon its present footing. So far from removing the evils complained of, the measure tended, as far as he could see, to aggravate them; and the Directors would be deprived of that independence which they now professed to have, and rendered more dependent upon the Board of Control. He would not at this stage of the discussion, dwell on what was certainly a subject of vast importance—the past administration of India. The right hon. Baronet, in introducing his measure, took occasion to review the whole system of the Company's administration in India, complimented it on its administration in a highly flattering manner, and lauded the results as being of a highly beneficial character. He (Lord Stanley) did not complain that the right hon. Baronet, as the organ of the Indian Government, should have felt a desire to do all the justice in his power to the Government of India, or to place its administration in as favourable a light as possible. His words would, no doubt, astonish India; still he was bound to make the best of the case. But he must say that he was not inclined on all points to accept the statements of the right hon. Gentleman with reference to the Company's transactions in India. He was not an alarmist—he believed that there was not a territory in the world which was so absolutely safe from all danger of invasion as India. The entire line of frontier was all defensible, and there was but one single passage through Affghanistan by which it was possible for an invading army to penetrate. We were, therefore, as the experience of the past had proved, perfectly safe on that head; but, at the same time, there were some facts and circumstances connected with Indian administration that called for the careful consideration of that House. Of the nineteen years that had elapsed since the last renewal of the Charter, not fewer than fifteen had been passed in war; and that whereas while in other countries the normal condition during that period had been that of peace in India, from whatever cause it might be, the normal state had been that of war. Were those wars necessary? He would not go into every case—into those of Nepaul, Affghanistan, Siam, &c.—nor would he follow up the history of our wars in India. He had often heard it asserted that the policy in India had at all times been a defensive and not an offensive one: those, however, who entertained that opinion read history in a very different manner from that in which he read it. He was ready to admit, for argument's sake, that the Government of India had not unnecessarily brought on the recent wars in that country; but every one of them might be, either directly or indirectly, charged upon the policy of the Indian Government. That Government chose to interfere in the internal affairs of States with which it had infinitely less to do than with the affairs now going on in China; and, in defiance of every rule of justice and morality, its policy had been essentially aggressive. He had heard hundreds of times, from persons who had the best opportunities of judging, that there was scarcely a Native prince, or an intelligent Native of India, who had reflected on matters of public policy, who did not believe that the object and ambition of the Government of India was territorial aggrandisement in India. He was not justifying them in that opinion, but there could be no doubt that it was the view entertained of our policy in India. It was impossible not to perceive that the recent wars had been the result of that great blunder and great crime, the invasion of Affghanistan. Now, without going into the history of these wars, it was impossible not to perceive that, connected with them, and with the increase of territory to which they led, was a great increase of debt and difficulty on the part of the Company. The question of war brought him to the kindred subject of finance. Now, with reference to the financial condition of India, he thought that the right hon. Baronet the President of the Board of Control had passed somewhat lightly over that subject; and he was right. Anything more unsatisfactory than the state of Indian finances was never submitted to the English public. During the fourteen years from 1838 to 1850, both years inclusive, every year except 1849 and 1850 had shown a deficit. The total deficit during these years was 13,500,000*l.*, and since the renewal of the Charter in 1833, not less than 20,000,000*l.* had been added to the debt. It might be said that this sum was insignificant when compared with the public debt of this country. True; but there was an immense difference in the resources of the two countries, and the facility of raising revenue. In this country it would not be difficult, in any case of emergency, to double the revenue, while in India the pressure of taxation had reached to its limit; and they would fail if they attempted to raise the revenue twenty per cent. But it might be said, after all, look how the revenue of India had increased of late years. There was no doubt that, with the addition of Scinde and the Punjaub, a much larger amount of revenue was derived from India than before those possessions were added to the British territories. The question, however, was, whether the Government derived a larger proportionate amount than it did before these possessions were obtained. Even if the revenue of India had increased 7,000,000*l.*, as had been stated, it would not be difficult to show that from such profitable possessions the Government had not derived an amount of revenue at all in proportion to the increased area of taxation. In 1793, British India contained 200,000 square miles; in 1813, 320,000; and in 1853, 600,000 square miles, besides a more than equal amount of tributary States. They were continually told that the Punjaub was a profitable acquisition. Now, the total revenue derived last year from this portion of our possessions in India was 2,000,000*l.*; of this sum, 1,600,000*l.* was derived from the land tax. The total civil expenditure was 1,300,000*l.*, leaving a surplus of 700,000*l.* to defray the general expenses of the Government. Taking the average of the military expenditure, the cost of the army in the Punjaub would be about 2,000,000*l.*, which, added to the expenses of the civil government would make a total expenditure upon the civil and military departments of 3,300,000*l.*, while the revenue was only 2,000,000*l.*, leaving a deficit of 1,300,000*l.* He would now approach a subject respecting which the most strenuous advocates of the East India Company did not attempt to say much—the subject of public works. Within the last few years this point had attracted a large share of public attention, and he was far from denying that undoubtedly something had been done in this direction. The right hon. Baronet the President of the Board of Control quoted the other day the case of the three great works which were always brought forward when this question of public works was mooted—the Grand Trunk Road, the Ganges Canal, and the Jumna Canal. It was not, however, by taking a few isolated instances that they could understand what the Government had done in regard to so important a matter as the public works of India. The only fair test was, what proportion of the revenue derived from the country had been expended on these works. Upon this subject he found various and conflicting details. One authority had stated it at 500,000*l.* a year, another at 360,000*l.*; while Mr. Kaye, who appeared the best authority on the subject, stated that the average of the last fifteen years had not been more than 300,000*l.*, the total net revenue at the same time exceeding 20,000,000*l.* It was asked by some persons why, after all, it should be so great a charge against the Government of India that it had not taken upon itself the construction of works which in this country were left to private capital and enterprise to carry out? To this he would reply that the position of the Government of India differed widely from that of this country, and from any other country in Europe. In almost every part of India, with the exception of Bengal, the Government had virtually assumed to itself the proprietorship of the soil. The Government, therefore, took upon itself the position and duty of landlords, and he did not believe that any landed proprietor in this country would think it sufficient to make merely an outlay of 2 per cent on his gross receipts for the repairs and improvement of land. [The noble Lord here read some extracts from Mr. Kaye's work on India, referring to the families in India, and stating that the whole produce of the land was at the mercy of the seasons, Upper India being visited by periodical famines.] There was in India no mode of guarding against the recurrence of such famines except by the construction of works of irrigation, and, therefore, those works were not merely matters of policy, but of humanity. He had already stated the proportion of the annual revenue which the Indian Government bestowed on works of public utility, but perhaps he might again quote the testimony on this subject of Mr. Kaye, the apologist of the East India Company. [The noble Lord read a passage, in which it was stated that the amount of money expended on public works was miserably small in comparison with the immense sums spent on unproductive wars, and that bridges and other works of utility were not constructed to the extent which the interest of the country demanded, because the necessary money had been swallowed up in extensive and ruinous wars.] Perhaps, before he left this part of the subject he might give a single instance of the effect which this neglect of public works had in impeding commercial communications in the East. It was only fair to say, that the instance he was about to give was taken from the Madras Presidency, and that Presidency was considered behind the others. Speaking of a few years ago, there was only one road in the whole of that Presidency which was maintained in tolerable order—namely, the great trunk road from Madras to Arcot and Vellore, and even along that line of communication the expense of transit was extremely great. From a calculation given him by a gentleman engaged in business, he found that the transit of goods weighing 1,000lb. cost 4½ rupees from Madras to Vellore, being *3d.* per ton per mile, or about 18*s.* per ton for the whole line. Now, from England to Madras the charge would be 7*s.* per ton, so that it cost twice as much to send goods from Madras to Vellore as it did from England to Madras. If it were said that this state of things was to be lamented, but that from want of money nothing could be done to remedy it, his reply was, that it would answer very well for the Indian Government to borrow money for the purpose of proceeding with public works. He was well aware that, as a general rule, works undertaken by a Government are not so profitable as those conducted by individuals; but he believed that there was no alternative but that the works in India must be done by the Government, or not at all. Considering, also, that there were works at present in operation paying 10 per cent on the expenses of their construction, besides affording to the Government great facilities in the collection of the revenue, it might be reasonably concluded that there was nothing to prevent the Government of India from carrying on works which certainly would be greatly remunerative. He had intended to offer a few remarks on the subject of the judicial administration in India, but, considering how long he had already occupied the attention of the House, he thought it might be better to reserve his observations on that head for another opportunity. This, however, he would say, that anybody who had read the evidence given before the Parliamentary Committees, who had perused such works as those published by Mr. Norton and others, and who had seen officially recorded statements, must conclude that the judicial administration, as at present existing in India, was not in a satisfactory state. He was quite ready to admit that, in reference to this matter, great difficulty had to be encountered. In the first place, the best legal education could only be obtained in England, while, on the other hand, a knowledge of the habits and customs of the people, which was equally essential to the due consideration of justice, could not be obtained in England, but only in India. That was a difficulty which he did not underrate; and the only reason why he touched, however briefly, on what he believed to be the unsatisfactory state of the Indian judicature, was to bring that circumstance in confirmation of the statement he had ventured to make to the House, that the general condition of India was one which required the most deliberate and serious consideration of Parliament. Of equal importance to those topics on which he had already dwelt, was the question of education. In the case of Indian education, as in the case of Indian judicature, he was quite ready to admit that there existed a complication of difficulties. There were formerly certain classes in India who were very adverse to any education being given by the English authorities; and, on the other hand, there were many who objected to all teaching at the expense of the Government, except such as was of a proselytising character. Besides these difficulties, there was in India the want of that local organisation and that local government, by which it might be possible to raise local funds for the purpose of education. He was ready to allow the strength of all these obstacles; but, nevertheless, when he looked at what had been done, and considered what, in spite of all these difficulties, might be done, he could not but think that, in respect of education, the Indian Government had failed in fulfilling its duty. The amount expended on education all over India was about 50,000*l.* a year, or, taking the higher estimate of the hon. Member for Manchester, 66,000*l.*, while the gross revenue of India was 25,000,000*l.*, so that the sum expended on education was only 1-500th or 1-400th of the revenue. He would only observe on this subject, that those who were inclined to take a very favourable view of Indian administration generally found themselves compelled to give up the case in respect to education. Mr. Marshman, who had good means of information on Indian matters, had declared, in a letter he had published, that the sum devoted to the object of education in India was so small as to be absolutely contemptible. Mr. Marshman showed reasons for this opinion, with which he (Lord Stanley) would not trouble the House; but the simple statement of figures which he had just made, confirmed as it was in its general result by the opinion he had quoted, was sufficient to show that, with regard to education, as with regard to every other question, the proceedings and circumstances of the Indian Government were such as to require strict and searching investigation. He had now come to the end of the great task he had undertaken. He had endeavoured to show that it was inexpedient, if not impracticable, to legislate at the present moment for the government of India. He had endeavoured to show that those dangers which were supposed to be likely to arise from delay were more imaginary than real. He had endeavoured to show that the measure of the Government, while it disturbed existing arrangements, was not in itself permanent and final; and, lastly, so far as his unwillingness to trespass on the time of the House allowed him, he had, taking one after another the principal branches of Indian administration, endeavoured to express that which undoubtedly was his firm conscientious opinion, that while in many respects the steps taken by the Indian Government had been successful, there were yet in the administration, as conducted for the last twenty years, ample room and sufficient cause for a strict and searching investigation by Parliament before the Parliament passed a verdict of approval on their past conduct, or left in their hands any portion of the power which they had hitherto exercised. The noble Lord concluded by moving the following Amendment:—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, further information is necessary, to enable Parliament to legislate with advantage for the permanent Government of India; and, that, at this late period of the Session, it is inexpedient to proceed with a measure which, while it disturbs existing arrangements, cannot be considered as a final settlement'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. LOWE said, he hoped that the words which had just been read by the Speaker would recall the attention of the House to the real question under consideration, because the latter part of the noble Lord's speech appeared to him to have considerably diverted attention from it. The question raised by the Motion for the second reading of the Bill was no less than the manner in which they were to deal with the future government of India; but the question raised by the noble Lord in his Amendment was the preliminary one, whether they should go into that question at all. He had no doubt the noble Lord was acting in conformity with a strict sense of duty in bringing forward the Amendment; but he could not but regret, and he thought the House would have cause to regret too, that he should have moved it, because, owing to it, they would have to discuss continually, first, whether they were to go into the debate at all, and next, whether they should go into the discussion, as the noble Lord had, of many matters in the propriety of which they could not concur. So that they would be bandied backwards and forwards—first, from the main subject of debate to the propriety of debating it, and then from the propriety of debating it back to the main subject, and so on over the whole range of the topics of discussion, when it would have been expedient, if they could, to have kept plainly and clearly to the one point at issue. But he had a further complaint against the noble Lord. Not only had he embarrassed the question with a preliminary discussion, but, having given such arguments as he thought fit in support of the Amendment, he had diverged into a number of subjects collateral to both, which, however interesting in themselves as illustrative of the admirable use which the noble Lord made of his time when he visited India, were quite beside the question the House had to settle, which was in substance the form of the Home Government of India. Warned by the example of the noble Lord, he would make no promises to the House. The noble Lord had commenced his speech by stating that he would not go at all into the question of the future government of India, nor into that of the double government; yet he saw reason, in the course of his address, to alter his course, and to do both. He (Mr. Lowe), warned by that example, would make no promises, but he would endeavour to keep to the subject matter before the House—namely, the preliminary question of the second reading of the Bill, so far as it bore upon that question. The noble Lord's Amendment, he submitted, was peculiar in its phraseology. The first part of it appeared not to bear at all upon the question before the House, and the second seemed to offer reasons against it, which were quite inadequate for the conclusion at which the noble Lord had arrived. The first part of the Amendment was this: "That in the opinion of this House further information is necessary to enable Parliament to legislate with advantage for the permanent government of India." What had that to do with the question before the House? The noble Lord told them they were legislating for a provisional Government; that the measure was provisional, and not permanent; and then he made that a matter of objection against the measure. If that were so, then this, the first clause of the Amendment, had nothing to do with the question, because they were not proposing a permanent measure according to the noble Lord's own showing. And when a permanent measure was to be introduced, he could not say—for they were always met by the popular topic, that there was not sufficient information; and, indeed, the noble Lord started with this—that there was not sufficient information to enable them to legislate permanently. But what had this to do with the real question before the House? Then, as to the latter part of the Amendment, it was equally puzzling. It was: "And that at this late period of the Session it is inexpedient to proceed with a measure which, while it disturbs existing arrangements, cannot be considered as a final settlement." The "late period of the Session" might be a good reason for not proceeding with a measure of a permanent character; but surely the fact that the measure was not of a permanent character, and that it did not assume to settle anything, as the noble Lord's did, was a reason why it should be proceeded with at this particular period of the Session. For these reasons, he repeated that the first part of the Amendment appeared to him not to apply to the Bill at all, while the second rather afforded reasons why the House should do just the contrary of that which the noble Lord wanted them to do. But, passing by these subjects, he would now call attention to the state of the case with regard to this measure. They all knew that last year two Parliamentary Committees, which were appointed by the late Government, went into this subject; and the noble Lord inferred, anticipating the objection about to be made, it was clearly not the intention of the then Government, had they been in office, to legislate this Session, because they pledged themselves not to legislate until the Committees had reported. But he begged the House to observe that the late Government did not let those Committees separate without obtaining a *quasi* report. Both stated in a wonderful manner—for they did not formally report, nor did they say they had taken all the evidence—that, so far as they had gone, their impression was very favourable to the Company. Now, he (Mr. Lowe) thought, looking at the circumstances, at the position of the question, and the great convenience of getting the measure over this Session, that, had the late Government remained in office, there was good reason to suppose—for these clauses were not introduced into the report for nothing—it was their intention to found upon them Bills for renewing the government of India very much as it stood before. But the noble Lord now stated that the Government of which he was a member would not have taken that course had they now been in power. Then he said it was unprecedented that such a measure as this should be brought forward at so late a period in the Session. But how stood the facts? The Bill was introduced on the 9th of June; and he had referred back to the periods when the Bills of 1813 and 1833 were introduced. In 1813 the India Bill was introduced on the 16th June—that was, seven days later than the present Bill; and in 1833 the Bill was introduced on the 15th June—that was, six days later than the present Bill. So that, so far from being unprecedented, the present Bill was actually six or seven days in advance in the Session of those which had preceded it; and the present Government, so far from being in arrear of their predecessors, were actually in advance of them, and were by so much more virtuous than they. The case, however, however, did not rest here. There was not the same pressure upon the present Government as there was upon those of the years 1813 and 1833. In 1813 Parliament had not merely to renew the Government of India, but it had to do away with the monopoly of the India trade —a matter of minute and difficult investigation, which seemed to require that the Bill should be brought in at an early period. In 1833, though the question was exactly of a similar nature, it was greatly complicated by the arrangements for depriving the Company of the monopoly of the China trade, the doing away with, or suspending, their functions altogether as a commercial Company, the disposing of their assets, and settling the manner in which the dividends of the Company should be paid, and other matters. There were thus, in both cases, difficulties of a peculiar nature which did not attach now; and therefore, so far from being in favour of the noble Lord's view, he (Mr. Lowe) claimed them as authority on his side, proving the practice of Parliament to be in favour of the course the Government proposed, whilst they were six or seven days more forward with their measure than their predecessors. The noble Lord spoke of the Indian Bill of 1784, which, he said, was twice before the House. But he would remind the noble Lord that that Bill was the cause of the disruption of the Fox and North Administration—a circumstance which took it out of the category altogether. Then the noble Lord complained of the want of discussion. The Reform Bill and the Ecclesiastical Tithes Bill, and some other measures, he said, occupied immensely more time in debating than had been allotted to the present Bill. This was quite true. The reason for it might be very lamentable; but they were to look at these matters as men of the world. The question that decided the time which a Bill would require for its discussion was the degree of interest that existed in respect to it among large masses of the English people, and the manner in which they pressed upon their Members to take part either for or against it. If the noble Lord wanted to have any proof of the amount of interest felt in this measure, compared with the long discussions on the Reform Bill, or the Ecclesiastical Titles Bill, he could not have done better than have looked around him when he was speaking. That survey must have satisfied the noble Lord that, had he been moving an Amendment with regard to the Reform Bill or the Ecclesiastical Titles Bill, he would not have been listened to in the solemn silence that he was to-night, but he would have been met with cheers and counter-cheers and other demonstrations of enthusiasm to his credit. He mentioned this not by way of rejoicing at such a state of things—he greatly deprecated it—but as illustrating the fact that even the noble Lord, with all his talents and his eloquence, had not been able to excite so much interest as was felt on those questions. They were then, as he had intimated, dealing with things as they were, and until that interest existed there was no ground for arguing that they were acting wrongly. In the present state of feeling, experience would show that there was ample time to discuss this question, because it would be discussed only by those who took an interest in the affairs of India; and when they had delivered their opinions he saw no reason for delay, for obstruction, or for renewing the same topics over and over again which had been once settled. The noble Lord complained of the ignorance upon these subjects in England. That there was considerable ignorance, he admitted; but he saw no probability, after waiting a year or two, of that ignorance being removed. For the purpose of a measure of this kind the House might be divided into two parties: those who, from association or connexions, had made themselves masters of the Indian question; and those who had more recently taken it up, and who were, he ventured to say, so far from being undecided, as perfectly decided in their opinions as any could be. Whatever might be the difficulties of the Indian question—and that they were many and various he did not dispute—the faculty appertained to it that it was one upon which men took up and pronounced the most decided opinions. It had not fallen to his lot, nor would it, he believed, to meet with any who really had not sufficient information to make up his mind, and who wanted *bonâ fide* further information either from India or England. There might be ignorant men, and people would be ignorant, but they had made up their minds. Those who had studied the question, much or little, seemed ready enough to come to a decision. He, therefore, assumed that, unless the noble Lord was prepared to show that by waiting two or three years, the number of those who were devoting their attention to this difficult subject would be enormously increased, there was no reason to suppose that much would be gained in point of knowledge by delaying the Bill. Then the noble Lord said, they ought to have the opinion of people from India; but they had already had people from India—servants of the Company—until they were tired. They had had servants from every branch of the service, civil and military, collectors and judges. Every person who could give information from the service of the Company had been brought before the Committee. The opinions of the English residents had also been taken. It struck him, therefore, that they had not a great deal more to learn—he did not say about India, because that was an infinite subject, the study of a life—but about the form of government that was best suited for India. It must, he thought, have struck any one who had listened to the evidence of the gentlemen who came from India, that they had given most admirable and accurate information as to the particular districts in which they lived, or the departments in which they were employed; but they had not troubled themselves much as to the rest of India;—in fact, it appeared to him, that many gentlemen who came home from India had less knowledge of it generally than was possessed by many persons in England who had never been in India at all. From some defect probably in the system of education for the civil service, or the absorbing nature of their duties and the heat of the climate, they did not seem in general to have devoted much time to anything but the performance of their duties; and—though it might sound like a paradox—for a general knowledge of India he should look rather to England than to India, and rather to those who had been placed at the head of Indian affairs—to men rather who had seen them in their comprehensiveness—than to those who had only been employed in particular districts. The question appeared to be confined to one issue. Pamphlets, he observed, had been written upon the subject; yet the information in them—and he had read them all or nearly all—was merely a repetition of the same arguments. The subject was exhausted nearly; at any rate the English mind did not appear to furnish anything new. The question resolved itself simply into the form of government—the whole *casus belli* lay between a single and a double government. The arguments were certainly directed with great skill; but he could not see how they were, two years hence, to be nearer a solution than they were at present. The best proof of that was, that he did not believe a single Gentleman would address the House who had not already a most decided opinion one way or the other. The noble Lord said the East India Company was upon its trial, and they ought not to decide the question until the Committee had reported. But he omitted to state that the jury had interrupted the judge, and interposed a verdict of acquittal before the proceedings were half over. The trial of the Company might therefore be considered as over so far as the Committee was concerned; because the same Parliamentary Committee in the Lords who came to a verdict of acquittal, would not be likely to turn round, and say they were completely wrong, and to convict the party whom they were before so prompt to acquit. The noble Lord—who had displayed an acquaintance with the subject which was itself an answer to the argument that there was no information in England in regard to Indian matters—said, with regard to the present state of India, that it was in no danger from insurrection or agitation. This was a subject he did not profess himself competent to deal with; but he thought it was very desirable at all times, and more especially at the present time, that the Government of India should be as strong and as respected on the part of the people as it was possible to be. He would state the reason. From one end to another the whole Eastern world was in a state of commotion. A movement, indeed, was taking place all through Asia, the result of which could not be foreseen. Look to the westward, and you saw commotion between the Russians and the Turks; if you went to the south, the whole of Arabia appeared animated by a fanatic spirit; on the north, Bokhara and Persia were in commotion; and in the East, China, after a sleep of two hundred years, had to oppose a frightful insurrection, the result of which upon the Asiatic mind nobody could foretell. Further south, you find us engaged in an apparently endless and interminable war with the Burmese. But India was still tranquil; and it was our duty to make our government there as strong as it could be, both with regard to Natives and English—both upon those whom we employed, and those who lived under us. When he found that the Affghan war led all the native classes of India to look upon us aggressors, and to believe that we should never be contented with anything short of the conquest of the whole of India, there was an additional reason why we should not tamper with the obedience of a people who were looking up to us, nor do anything detrimental to our authority and interests. For this reason, without questioning the accuracy of the noble Lord, or presuming to doubt his facts, he thought it would be wise not to run any unnecessary risk in exciting the Indian mind at the present moment. But there was another and a much more important view of the subject upon which he was better able to judge, and that was the effect the measure proposed by the noble Lord—the suspension or renewal of the Charter for two or three years—would be likely to have upon the Indian Government and the Indian service. The noble Lord said they also put the matter in a provisional shape, but they were injuring the *prestige* of Government. But he omitted to make this distinction. Why should the Government of India be suspended for a year or two? No other reason could be given than that Parliament should have time to consider its conclusions. Then, was that state of things, which had been favourable to the efficiency, power, and *prestige* of Government when brought into contact with native Princes and populations, and which was likely to secure subordination among our own servants, to be continued? If not, was it not likely to be a means of weakening our hold upon the country just when we were exposed to unknown dangers? The noble Lord would, no doubt, retort upon him, and say, "You are doing the same thing, because the Bill says, 'until Parliament shall make further provision.'" But he would point out the difference. It was this, that, putting off one decision, they were putting the Company upon its trial; it was asking everybody who had anything to say, to come forward; it was exposing the Company to a grave suspicion that their government was a bad one. He did not shrink from that conclusion. If the Company's government was a bad one, change it; but when they had a vast empire at an enormous distance, depending, not upon the army, but upon the *prestige*, character, and influence, and upon the unvarying success and prosperity which had attended the operations of the East India Company from the time of Clive to this day, he trusted they would not hold it up for two or three years as condemned beforehand in the eyes of those very people whose submission depended upon the respect and esteem they felt for it. If we were to govern India through the Company, the Company must be respectable and respected. But the distinction he wished to draw, was still more obvious and conclusive. In the former case the Company was condemned; but under the Bill the language of Parliament was virtually this: "We have made the best provision which our information will enable us for the good government of India, and we send it out as such; but we are not wedded and bigotted to what we have done; knowing that we cannot judge of your habits and customs here so well as you who are on the spot, we are willing to listen to anything that may be said to alter and amend that which we have done." Then the noble Lord wished to see the government renewed for a term of years. Why? The colonial governments were not renewed. They had granted to them that which was deemed best; but Parliament was not precluded from altering or amending as occasion offered. Parliament did not shut its ears to grievances: it prevented evils from arising, and he thought that was a wise and statesmanlike course to take as to India. Then the noble Lord had two grounds from which he drew the conclusion that there ought to be delay. One was the lateness of the period of the Session, and the other the nature of the Bill itself. He certainly thought, however, when the Government introduced a measure after great care, deliberation, and consideration, that any hon. Member who moved the postponement of such a measure for two years, should be prepared to show in what respect the measure of the Government was defective, and now capable of improvement. But this was not the case of the noble Lord—he had really made no objection to it at all. The general scope of the Bill did not in any way meet with his censure; his opinion was favourable to the principle of a double government; and he was favourable to the minor details of the Bill. True, he made some objections to the formation of the Board of Directors, which was quiet open to him, but it was no reason for refusing to legislate at all; and as to the question of patronage, the noble Lord was, upon the whole, satisfied. He did not know that the calculations about patronage led to a great deal; but the noble Lord said, if the Government took some of the appointments from the Directors, why not take all, why leave any? He thought the Government had shown great prudence and judgment in the course they had taken, because it was an experiment. The putting up offices to public competition was something quite new in this country. There was every reason to believe, and he hoped that it would succeed; but he thought, as the principle which prevailed at present had not failed, it would have been very foolish to discard it until they had tested how the other worked, and seen that in making the alteration they had not committed any error. With regard to throwing open the civil offices to public competition, they could hardly go wrong; but experience proved that the greatest ornaments of the military profession did not shine much at examinations at a very early age; and, therefore, he thought it was wise to keep the military appointments as at present, especially as it was quite possible, under the wide powers of the Act, that the course which the noble Lord had suggested with reference to the children of officers might be adopted. But as regarded the civil service, he maintained that the course taken by the Government was beyond all controversy right. He should be grieved to see this Bill deferred, if only because it would deprive India for years of the enormous benefits which would arise from the reform in the civil service. The civil service of India was very different from any other service. In the generality of cases an incompetent officer had other people to do his work for him; he was perhaps scolded a little, but could contrive to get on without doing any serious amount of mischief; but it was not so in India. The peculiarity of the civil service there was the vast, the tremendous amount of responsibility thrown upon every individual officer of the Government. Millions of people were completely under the control of one man, who had the power of inflicting misery on these persons; and under such circumstances it was a most sacred duty cast upon the Government to see, not merely that the general average of officers was tolerably good, but that in the case of every writer sent out they obtained the best and ablest men this country could afford; and they did not, for the sake of obliging friends or relations, or any such reason, sacrifice one atom of the power of doing good towards the people whom Providence had placed under their power. It was their duty to take care that every man sent out was as able as could be found within the four seas; and where they knowingly and wilfully sent out a worse, when a better was at their disposal, they might be inflicting enormous evils on a people who had every claim on their sympathies and consideration. He had read the speech of a noble Lord who, with infinite knowledge, with infinite eloquence, and with infinite ingenuity, pleaded the cause of ignorance, and so persuasively, that he might say, "If I am to be persuaded I would be just as ignorant as to be as learned a teacher, and no more." That noble Lord said that public examinations were the greatest absurdity; that they would get nothing but blockheads; that nothing was so bad as an over-educated man; and that they would be sending out only a number of pedants and schoolmasters. That was not the experience of that House, or of the country. He would like to know who took the lead in this country? On whose lips did deliberative assemblies hang? To whose opinions did the public give heed? The men who had shone in public examinations, and carried off those very prizes which that most learned and eloquent nobleman so vehemently decried? It was very well to talk of a system of cramming, and he knew something of that system. That was a subject on which he was an authority. No doubt there was a great deal of abuse in cramming at the Universities. The cause was this—that the task of examination fell upon a class of men who cherished early traditions of what had been taught in their day, and which were the staple of the examinations at Oxford and Cambridge. At Oxford there were curious points in Aristotle handed down from time to time; and at Cambridge there were problems connected with the names of the authors who invented them—not to be found in books, and forming a sort of *disciplinæ arcana;* and he was happy to think that many dodges of his own invention were taught under his own name to this day. He would not say it was totally impossible it could occur; but where cramming, without talent, carried off honours, it was the fault of the examiner. Competent people were not appointed; and the examination was conducted in a narrow and pedantic spirit; but judicious examiners would vary the subjects, so as to test not only the memory, but the mind, the intellect, and the acumen of the persons txamined. The difficulty could be avoided; end it was most important in another point of view that the intellect should undergo cultivation. Nothing was more distressing in the evidence that had been given before the Committee on India than the fact that the kindly feeling which had hitherto existed between the Europeans and Natives, whether in the army or the civil service, was on the decline—that there was not the same sympathy between them. In his opinion, nothing was more likely to correct that want of sympathy than an improvement in the intellectual standard of those to whom they entrusted the management of the Natives, and the government of the country; because, in the first place, there was a close connexion between the moral and intellectual qualities of the human mind; and, in the second place, it was well known that ignorance and stupidity led to the harsh and brutal treatment of inferiors. Where an ignorant and stupid man was brought in contact with a people differing in manner, dress, and language, he regarded them with stolid contempt, treated them as inferiors, and rejoiced in his own superiority, small as that might be; whereas a man of talent, accustomed to reason and think, regarded them as an object of curiosity, interest, and sympathy, and made it his business to study them as another variety of the human race; and those habits of familiarity induced a kindly feeling on both sides, which was of enormous advantage in a country like India. He had now gone through that part of the noble Lord's speech. He was not going into other questions referred to by the noble Lord, because, with great submission to him, they had nothing to do with the case before the House. He thought he had mercantile knowledge enough to know that the present rate of freights between London and Madras was not 7*s.*, but more like 70*s.* a ton, as he knew 5*l.* a ton to the Australian Colonies—

LORD STANLEY explained that he had spoken of an actual case, not an imaginary one, of a particular cargo which had come out at that rate, but he did not know under what circumstances; there was probably some further expense.

MR. LOWE continued: He thought he had shown that the noble Lord had made out no case for delay in this instance. He was not arguing whether this Bill was good or bad, or whether it was fit for the House to adopt it or not; but he said it was a question fit to entertain, and that, although it was important, considering the number of persons who took an interest in the question, and wished to express their opinions upon it, it was quite within reach to deal with it in the present Session. He would put this final consideration before the noble Lord—that they could not argue this question with regard to the effect on the people of India, and the *prestige* of the English name, as if the Ministerial Bill had not been brought forward; they would view it with reference to the Bill before the House. It would be presumed, and people would act on the assumption, that the matters contemplated by the Bill would be carried out; and the effect of that hanging over the head of the Company and the Government, would be extremely injurious to their efficiency in many ways. Feeling they were in a provisional state, there were a number of measures which they would not dare to take. He knew nothing that would so completely paralyse the energies of the Government as that; for although they would be anxious to get what credit they could, there would be a corresponding fear, much stronger, that they might get discredit, most of the questions being matters on which two opinions might be formed. Not to speak of the immediate reforms this measure would accomplish being deferred—such as the alteration of the vexatious regulations of furlough, and the recasting the judicial system, which was so much required—he thought the educational establishments would be paralysed by the uncertainty which postponement would cause. He thought the people had a right to know at once whether this Bill would be passed into a law or not, and that the Government were entitled to the support, not only of those who were in favour of double, but of those who were in favour of a single government, to bring the question to an issue, and decide it one way or the other. For these reasons, therefore, he trusted the House would not accede to the noble Lord's Amendment. He wished, indeed, it could have been disposed of in a separate shpe, so as not to interfere, as he was afraid it would do, with the full discussion of this question.

MR. PHINN said, his hon. and learned Friend (Mr. Lowe) had used every argument to persuade the House that the noble Lord's Amendment was inappropriate, and not justified by the case he had adduced; but he had failed to discuss the provisions of the Bill, or to enforce its utility, as they might have expected from his official position he would have done. He was not surprised at that, because he believed if the noble Lord (Lord John Russell) and his right hon. Friends on the Treasury bench had been in opposition, and this Bill had been proposed, it would have been opposed by the whole weight of the party that now sat on that side of the House, and the regular forces would have been assisted by the lance of his hon. and learned Friend, who would have couched it with the same advantage against the Bill. His (Mr. Phinn's) objection to the Bill was a simple one: it was a great departure from the principle the Whigs had always advocated, which in opposition they had always urged, and when in office tried to enforce. In 1783 Mr. Fox propounded a principle which he believed to be clear and indisputable, that unless some grave reason interfered in this great monarchical country, all government should proceed from the Crown. Upon that principle he took his stand against this Bill. He maintained that in a country of this description, where they wished to maintain the influence of the Crown, where the theory and principle of legislation rested on the assumption that they must look to the Crown as the source of all legitimate government, unless some strong reason could be urged to the contrary, our greatest dependency ought to be under the government of the Crown. That was the doctrine of Mr. Fox in 1783. It was true that the indisposition of the reigning Monarch, and the suspicion of his then advisers, and the power of the other House, contributed to defeat the measure which was to enforce that principle; but he believed that the Government of this country should never lose sight of it; and was it to be said that, in India, where power and influence were almost worshipped, the cold shade of the Company was to be interposed between the subjects of the Crown and the Monarch of these realms? It might be said that that was good in theory, but would not do in practice, and that the English were a practical race. But he would ask whether this Bill was one from which they could expect any good results? It was a Bill of half measures, neither adopting the principle of the government of the Company as at present constituted, nor that of giving the people of India the full light and effulgence of the Crown. In legislating for India, they should never have half measures. That was the opinion of Mr. Burke, and it had been followed by Lord Ellenborough. They had now a strong Government, a Government that had carried its measures by larger majorities in that House than almost any other Government of the country for some time. He had hoped from that Government for a large, liberal, and substantial measure for India—one that would have been a final settlement of the question of the government of that country. His hon. and learned Friend advocated the measure upon two opposite grounds: first, he said a lease for any term would be disadvantageous, because towards the termination of it there would be continued agitation; but then he said, there being no definite term fixed, they could alter the system if they thought necessary. But they must not suppose, because they had not fixed any time for this sort of hybrid Government, that there would not be a constant agitation in India, which must produce an effect in this country. His own opinion was, that there would be a constant agitation, and he should have greatly preferred continuing the government of India to the Company for a certain number of years, to give time to Parliament and the country to decide what form of government was best suited for India. When persons came better to understand the subject, they would have many reasons shown why this measure could not work. His hon. and learned Friend said, do not discredit the Government of India; and the speech of the right hon. Gentleman was full of panegyric of the Company; but what did the right hon. Gentleman do? He showed his suspicion of the Company by introducing an element which gave the President of the Board of Control more power over the Company than he had before, but did not give him more responsibility before Parliament. It might be said his argument was in favour of the continuance of the Company. He agreed with the hon. Member for Honiton (Sir J. W. Hogg), who was the advocate of the Company in that House, that if the Company was the best Government for India, in spite of all theory it ought to continue to be the Government; but he did not accept that issue. He said the *onus* lay upon those who advocated a system so opposed to all theory of legislation in this country to show that it was better than any other that could be devised under the circumstances. Now, was that proved? What had been the anomalous constitution of the body by which India was governed? It was about the most repulsive form of government that could be devised, because it was not the government of a Sovereign tempered by an aristocracy, but was the government of a plutocracy;

and whatever might be said of their sympathy for India, it was ridiculous to say that the object of that Government had been the welfare of the people of India, and the advantage of the people of England. He would ask the House to consider what the composition of that Government was. Any person who possessed a certain amount of stock had the power of voting at the elections of persons who were to have a very considerable share in the government of India. And how did that system work? Why, no person went into the market impressed simply with the feelings of goodwill and sympathy for the native population of India, but he went there to get the ordinary amount of interest for his capital in the first place, and in the next to obtain a share in the patronage distributed by the Board of Directors. In discussing the question of the administration of Indian affairs, there was one great difficulty, and, although hon. Gentlemen who sat near him had been taunted with citing scraps of speeches and opinions of persons who had been in India, he himself saw no other way of conducting the discussion, for the Committees which had sat upon this subject had not published any report, and hon. Members had only these scraps of speeches to rely upon. But whose fault was that? Was it not the fault of those who stood in the way of the House and the public having an authoritative report made by those who, from their knowledge of the facts had by carefully balancing the testimony given for and against the Company, were best able to arrive at a just and sound result? If reports had been published, they might have been appealed to for the result of the evidence taken before the Committee; but, as the case stood, the evidence was of the most conflicting nature. Some persons had been in different parts of India, and were only acquainted with the condition of such parts as they had themselves visited; while others, according as they considered themselves well or ill-treated by the Company, viewed the matter in different lights. As, then, there were no reports to go upon, it was necessary to have recourse to the ordinary means of information. He did not mean to say that official documents were always the best sources of information, because in general society, and by means of conversation with persons well acquainted with any subject, it was possible to acquire a more practical knowledge of that subject than by mere reading. He would beg permission of the House to refer to a few documents in order to show what the feeling in India was upon the subject of the election of Directors; but he would not refer to any which had not been stamped with authenticity by the hon. Baronet the Member for Honiton. A well-informed contributor to the *Calcutta Review* stated that—

> "Unhappily, a large number of proprietors have come to set a price upon their votes, and have learned how to turn them to the best account as marketable commodities. They have learnt the dangerous art of combination. A single vote will not fetch its price, but a bundle of votes will, and so a party of friendly proprietors agree together to club their votes. It becomes a matter of arrangement among them as to who, in the first instance, is to represent the collective body, and obtain the required 'consideration' for himself. This is probably decided with reference to the respective ages of the sons, nephews, or other relatives for whom writerships or cadetships are sought. Mr. Smith's son is 18 years of age; it is time that he was on his way to India, so Mr. Smith takes the bag of votes in his hand, and makes the best bargain that he can. Captain Jones's eldest boy is but 14—he can afford to wait till the next election; and as for Miss Brown, she has a nephew and godson only 12 years old; she can nothing for him at present, but, by lending her two votes to Mr. Smith and Captain Jones, and the other proprietors in turn with whom she has clubbed, she can accumulate a little stock of votes against the time when her *protegé* will be old enough to take a slice of the patronage loaf, and, in due course, she takes the bundle in her hand and makes her bargain with the embryo Director. Practically, she reserves her votes throughout five or six successive elections, and then, just as she is in a position to profit by them, the accumulated treasure looks her pleasantly in the face. Thanks to the principle of combination, she has not wasted her votes. Her two votes could have secured her nothing at any one of the past elections, but now she has a dozen in her hand. Miss Brown aspires to a writership, but a cavalry cadetship is pretty certain at the least. Such is the constitution of the Company."

Such was the body which the hon. Member for Honiton asserted were actuated by feelings of sympathy for the native population of India. He was told on the other hand, and he believed, that it was a great evil, and the right hon. Gentleman the President of the Board of Control had admitted that it was so; but how did he propose to deal with it? He proposed giving permissive powers to the Court of Directors to enact by-laws in order to remedy the evil; but every one knew the effect of giving permissive powers. Why, permissive powers had been given to allow the natives to occupy situations of trust, and the justice and policy of doing so had been advocated, in language which no one who had heard could ever forget, by the right hon. Member for Edinburgh (Mr. Macaulay); but those permissive powers had never been in the slightest degree enforced, and in the present case he entertained no doubt that all the evils of that most discreditable system would remain. It was a known fact that many Directors went into the direction with their patronage mortgaged for years beforehand. The present system was, in truth, opposed to all theory and to all principle; it was ruinous in its constitution, and there must be a strong case in the way of experience and practice made out in its favour before it could receive the approval of Parliament. He adverted to these circumstances because it was necessary, in considering the relative advantages of India being governed by the Crown, or by a body of gentlemen thus elected, to bring forward all these facts. He would now advert to another topic, but very briefly, because he knew that it was a subject which would be discussed over and over again during the course of the debate, but he would ask the House to contrast the figures which he should adduce from a report of the Directors themselves, and then to judge if the picture of the prosperity of the Natives of India was as favourable as the hon. Member for Honiton seemed to consider it. He was willing to adopt the opinion that the increase or decrease of an article of necessity was a fair criterion of the condition of the people of a country. He would take the article of salt; and from Colonel Sykes's tables it appeared that in the Presidency of Madras, in the year 1839-40, the consumption of salt amounted to 16,194,188rs., while in the year 1849-50 it was only 16,107,384rs., so that in an article of the first necessity, during ten years, there had been a decreased consumption, and that under what the hon. Member for Honiton had called a thriving administration. He would allow that in the North Western Provinces the consumption had been nearly doubled; but he wished to know whether the calculation for the later date had been made for the same area as the calculation for the former, or whether it included the Punjaub, and the various other districts which had since been annexed to the British dominions. It had been stated that beyond the land tax taxation was unknown in India; but the tax upon salt was one which fell upon the Natives with extreme severity. Colonel Sykes stated that it amounted to 1½ per cent on a labourer's wages, if he were a single man; but if he had a wife and children it was proportionately increased; and, indeed, in Benares the tax was almost 3 per cent. Now, he should like to know if a labourer in this country, earning about 8*s.* or 10*s.* a week, could be taxed 3 per cent upon his wages? No Chancellor of the Exchequer would venture to propose such a tax. But it was said that the salt tax was the only one which the labourer paid towards the necessities of the State. But was there not the tax on spirits? And was there not a tax from 18 to 25 per cent on the sum in dispute if the subject ventured to enforce his rights in a court of law? He would now advert to another topic. The hon. Member for Honiton had made a great impression on the House by his statement with regard to the imports and exports to and from India. He had shown that since the year 1834 they had been nearly doubled, and had mentioned it as a strong proof of the prosperity of the country, and of the beneficial influence of the Company's government; but he did not mention to what extent the area of the country had increased since then; nor did he state that since that period a vast commercial monopoly had been destroyed, nor did he refer to the new markets which had since been thrown open—such as Australia, New Zealand, and China. He had not adverted either to the important fact, that the imports and exports of India varied proportionately with the consumption of opium in China. The increase in the consumption of opium had been very considerable. In the year 1832-33 it amounted to 728,517*l.*, while in the year 1849-50 it had increased to 3,309,637*l.* It was to be considered that opium was usually paid for in specie; and that would account, in some degree, for the manner in which it affected the imports and exports. But it must be remembered that the revenue from opium was now in a very precarious state, and ought, in dealing with India, to be seriously taken into account. A great deal had been said about the increase of shipping in India. Now, he would not detain the House by going through details on that subject, but he would merely say that, in his opinion, taking into consideration the number of new markets which had been opened, that increase did not afford any proof of the prosperity of the Natives of India. He did not wish to urge against the Company that they had adopted a uniform system of bad government; he had no doubt that they had adopted the system which they considered best calculated to promote their own interests, and, as he gave them no credit for any of its merits, so he attributed no blame to them for its defects. In discussing the present question, which he considered to be merely a question as to the comparative prosperity of India, he would not refer to the judicial system, because the hon. Member for Leominster (Mr. J. G. Phillimore) had already treated that part of the subject in a manner which left but little to be said; and he would merely make one observation. The costs of judicial proceedings in India, as compared with England, were enormous. They were levied upon a vicious principle, not according to the expenses incident to the suit, but to the amount at stake between the parties; and that such a system should be allowed to continue for a single year, spoke very badly for the Company's administration. It was a system introduced by the Company, and they had not the excuse of having found it in existence in the country, and it had been found an intolerable grievance. A case involving a very large sum of money might occupy the time of the Judge and of the Court but a very few minutes, and yet a large percentage would have to be paid upon the sum at stake. He would call the attention of the House to another circumstance. Some short time back two Judges were removed from their positions on account of their indebtedness, on the ground that their independence was thereby effected; and what was their answer? Why, they confessed that they were deeply in debt, but justified themselves by saying that to be in debt was the necessary consequence of their position, and that the Government were aware of the fact when they were elevated to the Bench, and they considered it most oppressive to remove them on such grounds as these. What, he would ask, could be said of the administration of a country where the judges justified themselves for being in debt on the ground of its being incidental to their position? Ought such a state of things to be allowed to continue for a single moment? With regard to the public works, he must express his astonishment at the small portion of the revenue which had been expended upon them. It certainly did not contrast well with the munificence of the native princes, who had expended vast sums of money in works of irrigation, in roads, and in edifices attesting their munificence, which when contrasted with our own might well make us ashamed. The hon. Member for Honiton said, that if the matter were investigated, it would be found that these works were all undertaken for private purposes; but he must confess that he had not so read history, neither had Mr. Kaye, nor Mr. Elphinstone, nor Mr. Thornton, nor Mr. Mill; and, although historians had suggested that such was the case, they had expressed their opinion that the suggestion was incorrect. There was the well of Delhi, between 1,300 and 1,400 years old —that remained as a sign of the munificence of some native Prince; and he would express his opinion that the conduct of the Company, as regarded public works in India, would not bear comparison with that of the native Princes. He would refer to the works of the Ranee of Odeypoor, who, with a small income, had expended large sums. The conduct of the Company was the more to be wondered at as the money they had spent on public works had always been returned to them fourfold. The only works of the Company which the natives saw were the roads, and those they looked upon as military precautions to insure their continued subjection. There was one point which had not been touched upon, and that was the condition to which the natives of India had been reduced. The native population were too often looked upon as a set of half-dressed savages, toiling for their bread under a burning sun. They did not reflect that there was there the *debris* of great monarchies—the remnant of mighty aristocracies — a population which had wrestled with this country for empire—men who had commanded in great battles when nations were at stake; that there had been a great aristocracy, who ruled—great officers who had administered the affairs of provinces before they were wrested from them—brave men, who had fought the battles of Scinde and the Punjaub—now condemned to retirement and inaction, and who felt that there was no vent open for their feelings or their aspiration. Look to the enormous amount of money that was remitted every year from India to England, and contrast that with the torpidity and inactivity to which they condemned the natives. Look to the way in which they had rejected the claim to an Indian appointment of the son of a man who had done more than any other native to secure India to our sway, in violation of the promises made to him, and in violation of the direct regulations made by Parliament, while the glowing words of the right hon. Member for Edinburgh were still ringing in their ears, that no native was to be rejected from employment. The rejection of the son of the man who had done so much for the Company must have shown to the natives how little they had to depend upon. Look, again, at the way in which they had dealt with the native Princes of India. There was a number of subordinate Princes who had treaties with them; and if any difference arose in the construction of those treaties, the interpretation rested entirely with the East India Company; and if any native came over to this country to obtain redress, he was referred by the East India Company to the Board of Control, and by the Board of Control he was referred back to the Governor General. With the facilities the Company had for such a purpose, he thought they might at least have tried the system of arbitration which was recommended by the hon. Member for the West Riding of Yorkshire; and he could not doubt that if such a Court had been established, and if it had been administered in the name of the Sovereign, the native Princes would have gladly submitted to it their differences, and would have bowed implicitly to its award. Was the House aware that on that night, and on the several successive nights of these discussions, two great Parsee merchants were present, who had come to this country, suing in vain for that justice here that was denied them in India?—that the Vakeel of the Rajah of Sattara was also present, who had come to this country to complain that his master had been torn unjustly from his throne, but who could obtain no redress? Did the House think that these things would not sink deeply into the minds of the people of India, or that from these things a retributive justice would not some day come? The hon. Member for Kidderminster (Mr. Lowe) had referred to the events that were now taking place in Eastern Asia; and he agreed with the hon. Member that these changes might seriously affect the condition of the people of India, especially if they believed, as they were told on the highest authority, that they were leased out by Government to the East India Company to do the best they could with—if they found that their Princes were denied justice—that the natives of India were denied the employments they formerly occupied—if they believed these things, was it to be supposed that their fidelity would remain unshaken, or that they would long remain attached to their service? It seemed to him imperative that the East India Company should give fair scope for the abilities of the natives of India. That course had been recommended by Sir T. Monro, Mr. Mountstuart Elphinstone, and by Sir J. Malcolm; and the omission of any provision for such a purpose was one of the most serious defects of the present Bill. It was a misfortune that, not having an authoritative report from the Committee, it was rendered necessary that he should read extracts to the House. He found Sir John Malcolm saying—

> "We must not conceal from ourselves the causes which have combined to exclude the natives from any share in the administration of India. It is an overweening sense of our own superiority, a love of power, and an alarm which I deem groundless, that, as their interests are advanced, those of European agents will be deteriorated. But, if I am right in believing, as I conscientiously do, that, unless they are treated with more confidence, elevated by more distinction, and admitted to higher employment, we cannot hope to preserve for any longer period our dominions in this country, no feelings or considerations should be allowed to oppose their gradual progress to every civil function and employ. By raising the most active and eminent of the natives of India in their own estimation and that of others, we shall reconcile them, and, through them, the population at large, to a Government which, daring to confide in its own justice and wisdom, casts off the common, narrow, and depressing rules of foreign conquerors."

He might quote from that illustrious statesman and benefactor of India, Sir Thomas Munro, his condemnation of the systematic exclusion of the natives from offices of responsibility and emoluments; but he would refrain; he could not, however, forbear citing a passage which was full of eloquence and wisdom, written by the Hon. Mountstuart Elphinstone, who said—

> "Under a native government, independent of the mutual adaptation of the institutions and the people, there is a connected chain throughout the society, and a free communication between the different parts. Notwithstanding the distinctions of caste, there is no country where men rise with more ease from the lowest rank to the highest. The first Nabob of Oude was a petty merchant, the first Peishwa a village accountant. The ancestors of Holkar were goatherds, and those of Scindiah slaves. All these, and many other instances, took place within the last century. Promotions from among the common people to all the ranks of civil and military employment, short of sovereignty, are of daily occurrence under native States; and this keeps up the spirit of the people, and, in that respect, partially supplies the place of popular institutions. The free intercourse of different ranks also keeps up a sort of circulation

and diffusion of such knowledge and such sentiment as exist in society. Under us, on the contrary, the community is divided into two perfectly distinct and definite bodies, of which the one is torpid and inactive, while all the power seems concentrated in the other."

These were not the opinions of Young India—of speculative theorists—but were the opinions of the noblest talent of the country; men who had devoted their lives to the administration of India; who well knew and understood the feelings, habits, and prejudices of the natives; and who had made it their study to become acquainted with the wants, desires, and aspirations of the people whom they had governed. In reviewing the state of the people of India—considering that no native was enabled to rise in the army to a higher rank than that of a captain, and that they were not placed in any position that commanded influence, while beardless boys were every day promoted over their head;—when the natives found that they themselves were leased out to the Company, how could they imagine that under such degrading circumstances discontent should not prevail? It was not his habit to quote classical authorities in that House, but there was a passage put in the mouth of one of the great conspirators against the aristocracy of Rome which appeared so apposite, that he could not avoid quoting it:—

> "Nam postquam respublica in paucorum potentium jus atque ditionem concessit, semper illis reges, tetrarchæ vectigales esse; populi, nationes, stipendia pendere; cæteri omnes, strenui, boni, nobiles atque ignobiles, vulgus fuimus; sine gratiâ, sine auctoritate, his obnoxii quibus, si respublica valeret, formidini essemus. Itaque omnes gratia, potentia, honos, divitiæ, apud illus sunt, aut ubi illi volunt; nobis reliquerunt, pericula, repulsas, judicia, egestatem."

He knew that that would be called a highly coloured description of the condition of the natives of India under our rule; but the House must remember that they must look at it through the medium of the discontented feelings of the natives themselves. Was that a state of things, he would ask, which would warrant the House in saying that the administration of the government of India had been better managed by the East India Company than they could have hoped to have it managed by any other authority? Was that the state and condition of the people of India which ought to be satisfactory to the people of England? Surely not. But how did this Bill profess to remove these anomalies? They were told in one breath that one great merit of this Bill was, that it was not to endure for any definite period, but that it was to be constantly susceptible of improvement; and on the other hand, they were told that it was desirable to settle this question, that they might repress and discourage agitation. But, so far from its being calculated to produce a settlement of the question, the Bill actually invited agitation. This Bill, while professing to be a perfect settlement of the question, though it was evidently but a temporary measure, would excite much agitation in India; and, unless the system which the Bill went to continue were entirely changed, it would provoke a spirit of discontent in that country which they all ought to do their utmost to prevent. It appeared to him that if they infused into the East India Direction the element of Crown nomination, they ought to go further, and bring the Court of Directors and the President of the Board of Control face to face; in short, they ought to make the Court of Directors a consultative council to the Board of Control. If the President of the Board of Control at any time overruled the advice of the Council, the facts and the grounds on which it rested ought to be minuted and recorded, in order that Parliament, if need be, might judge whether the Council were right or not. With respect to the balloting out of a certain number of the members of the Board of Directors, it might be the means of getting rid of the very brains of the Company, for the ballot was no respecter of persons, and they might possibly lose such men as the hon. Baronet the Member for Honiton (Sir J. W. Hogg), and the hon. Member for Guildford (Mr. Mangles), who were best qualified to give the Crown advice. Then, look at another provision of the Bill. The Crown nominees were to be chosen from persons who had had ten years' experience in the Company's service in India. By this provision would be excluded every Governor General, every Commander of the Forces, and every man who had been Governor of an inferior Presidency, and every legal member of the Legislative Council—they would exclude all those men who had been selected by the Crown as persons of the greatest weight and authority, and in their places they would substitute men who had perhaps all their lives been confined to one place, and who had no experience of the general feeling of the people of this country or of the people of India. There was one small point which, as connected with his own profession, he might be excused from noticing. The President of the Board of Control had pronounced a high panegyric on the appointments of the Directors; but in the Bill he found that the right hon. Gentleman had slipped in a clause, providing that the Advocate General should not be appointed by the Company without the consent of the Crown. He thought this little fact indicated that the right hon. Gentleman had not full confidence in the purity of the Company's appointments. But he could not enter further into the question. He trusted that if the House did reject the Amendment of the noble Lord the Member for King's Lynn, they would also reject the second reading of this Bill, or that they would so modify it in Committee—he would propose a clause to that effect himself—that the Government of India should be carried on in the name of the Crown. Her Majesty had lately added to her acquisitions that lustrous jewel which had always been held in a part of India to be the symbol of sovereignty. He hoped that the placing of this jewel among the gems of the British Crown would be the pledge and the gauge to the people of India that their comfort, their prosperity, and their advancement were to occupy the attention, not of a Company, but of the Monarch and Her successors, who, he trusted, would long reign as the Sovereign of England and of India.

Sir ROBERT H. INGLIS said, that feeling objections both to the measure introduced by the Government and to the Amendment of the noble Lord, and having no reason, therefore, to expect support or sympathy either from the Government or from his hon. Friends opposite, or those around him, he, nevertheless, wished to state very briefly the grounds on which his objections were founded. But, in the first place, he might notice that this was not the only instance in which the attention given by the House of Commons to any subject was almost in the exact inverse proportion to its importance and its real interest. Seventy years ago, when the greatest of philosophers and orators adorned that House, even in the days of Burke, India was the dinner-bell of the House of Commons; and it was not too much to say, as a matter of history—for no man could now verify the fact—that it was a signal for Members leaving the House, when the most eloquent man and the most magnificent philosopher rose to address the House on the subject of India; therefore he was not surprised that at an early period of the present debate there should be but five Members on the front bench opposite—that there should have been but one cheer on the opposite side given to the speech of the noble Lord (Lord Stanley)—and that the speech of the hon. Member for Kidderminster (Mr. Lowe) should have received the seven cheers which proceeded from the seven Members who represented the Manchester school. But if they waited till the House was better indoctrinated with respect to India, he feared that they had no experience which would justify them in the conclusion that two or even three years hence the benches would be better filled, except at the moment of division. He objected to the Bill before the House, and most especially for the reason which the hon. and learned Member for Kidderminster had given as constituting its merit—namely, the indefiniteness of its duration. Without fixing any time for the duration of the government of the empire of India, the Bill simply said, "Until Parliament shall otherwise provide" these provisions shall be the law. Was not that provoking an annual discussion on the subject of India? His next objection was, that not only did it omit to provide a permanent system of government for India, but it actually destroyed much of the present power of that government without providing any adequate substitute. Another objection he entertained against the Bill was on a point which was regarded as a merit by the hon. and learned Member for Bath (Mr. Phinn), who had made a speech of high Toryism which he (Sir R. H. Inglis) himself might envy—namely that the Bill introduced the element of monarchical government. But that element was that which seventy years ago the combined wisdom of some of the wisest men regarded as the greatest evil they had to contend against; and all experience had since justified the conclusion—namely, a transfer to the Crown of the patronage of our Asiatic empire — a measure that, in their judgment—and the danger was ten times greater now that it was then—would be hazardous to the liberties of the people of England. The House, so jealous on the subject of Government patronage at home, that they objected to a third Secretary of State sitting in that House, lest by that means too much influence should be brought to bear on their deliberations, had yet no difficulty whatever in transferring to Her Majesty's present or future Ministers an amount of patronage in India as to which all the existing patronage of the Government was but a fraction scarcely to be measured. This was another objection which he entertained to the Bill as it stood. Another, though not indeed so important, was, that it altered the whole constitution of the Home Government of India. The right hon. Gentleman, in bringing in his Bill, had, in one of the longest speches ever delivered in that House, panegyrised the administration of the East India Company at home and abroad; and he (Sir R. H. Inglis) certainly did not expect that that was but a preface to the introduction of a measure for destroying the very machinery on which the right hon. Gentleman had been dilating with so much satisfaction. The plan might not, indeed, be as the hon. and learned Gentleman who last spoke anticipated—a plan for knocking out the brains of the existing Court of Directors; but until it had been proved that the existing system was far more injurious than any writer or maker of speeches had yet proved it to be, the House would not, he thought, be justified in making such an alteration as his right hon. Friend proposed. But the Amendment of the noble Lord was one to which he could still less assent. If adopted, it would leave uncertain everything which now existed, because it amounted, in effect, to a provisional measure for continuing for three years, at the utmost, the existing state of things. Was it to be supposed, though there was not what was called a public opinion in India, that, with the existence there of a free press and of free discussion, there would be no agitation created and continued by any Bill which did not finally settle the government of India? For his own part, he should deprecate any such delay, not merely as being injurious to the objects stated by the hon. Member for Kidderminster, but because he believed that delay would be eminently disadvantageous to the peace and tranquillity of the people of India. India was pre-eminently an empire of opinion—an opinion on the part of the native population which conceded the superiority of the Saxon race in intellect, in arms, and in moral character; and, when the discussions in this House as to the future government of India were left to be renewed so frequently as they were likely to be if this Amendment were adopted, it would tend to weaken the confidence of the native mind in the general stability of our institutions; and nothing but a most urgent cause would justify him, at least, in consenting to such a postponement. Such an urgent cause he had not seen or heard proved. No man could rise in the House and say that more evidence was required, when, by the proposition adopted in March last, at Charles-street, sufficient evidence was stated to exist to justify them in coming to a conclusion. If that was so, the same evidence was amply sufficient to justify the House in coming to an opposite conclusion. But he found the same words almost taken as the text of the Manchester petition presented some time ago, which said that "abundant evidence" had been adduced to prove that, under the British rule the progress of the people in industry and in wealth had been retarded, the administration of justice had been defective, the mode of taxation oppressive, public works neglected, and that altogether the people of India had been left in a state of misery disgraceful to their rulers. If the evidence was sufficient to justify them in coming to these conclusions, it must, he apprehended, be sufficient to justify others in forming theirs. Now the allegations of the Manchester petition were, in his opinion, contradicted by the evidence then before the House, and certainly they had been refuted entirely by the evidence subsequently obtained. What were the remedies of the petitioners for grievances so astounding? First, the thorough reform of the Home Government. Now, once for all, he said that, though his right hon. Friend had divided the subjects of inquiry submitted to the Committee last year under eight classes, two only were, in his opinion, essential for the foundation of any measure. He believed their first and principal duty was to establish a good form of government; and, having done that, it might safely be left to its own natural energies to carry out the administration. Substantially, we had had the report of the House of Commons Indian Committee; for last year, before the close of the Session, that Committee had fairly given a general sanction to the present system of government; and they had the report of the Lords Committee, which went still further. He (Sir R. H. Inglis) saw, therefore, no reason to wait as proposed. The real cause for regret was, that the present system and its continuance had not been brought before the attention of Parliament at an earlier period; for he firmly believed that, if, three years ago, the President of the Board of Control had brought in a Bill for the continuance of the present system of government for twenty years, such a measure would have been received—he would not say without a dissentient voice—but with as large a measure of unanimity as any measure involving interests at all commensurate with this could be expected to receive. His deliberate conviction was, that there was time to legislate; and he believed, that after the subject had been treated so fully by the witnesses who had been examined before the Committees of the two Houses, they had ample materials for discussion and decision. He believed the Home Government had been tried, and had not been found wanting. But, when he came to the consideration of other subjects connected with India, he was met at once with such a host of evidence against the conclusions come to in the Manchester petition, that he should have no difficulty, if it were necessary, to refer to twenty different witnesses to prove that the condition of the people of India was totally the reverse of that which was there described as its character. He happened to have recently read a letter from a missionary, describing the state of the Punjaub —the newest acquisition of the East India Company—which was so favourable to the system under which it was administered that it at least raised a presumption that all the population of India could not be said to be in a state of distress and ruin "disgraceful to their rulers." The writer first referred to our own people—British-born subjects—of whom he said—

> "It does one good to see so many men of talent and rank, all intent on their work, and all alive, and progressing onward, and sparing no labour, of either body or mind, to perform their end. Everything here is on the alert. Men are on their Arab horses, and off, at a moment's notice, anywhere, and at a rate that would terrify some in England. Others go out and spend six months at a time in tents, and think nothing of either the hot sun by day or the cold frosts by night, as they travel along, administering justice from town to town. They have sometimes to leave a station at a week's notice, and, selling off all, go to a distant part of the country. And if men gladly do all these things as soldiers or rulers, surely we ought not to be behind in a better cause. They seem here to have their eyes open to everything that is going on in the whole country—making roads and canals, erecting bridges, settling the revenue, building cantonments, planting trees, and looking into the minutiæ of everything. But we want more men, for the Members of the Government are doing all they possibly can to encourage us, and probably there are few countries where such an opening presents itself."

That was one passage; he would read another:—

> "Looking at the state of the country politically, we think there is a remarkable opening for the ministers of the gospel. As perfect peace and good order reign in the whole extent of the Punjaub as in any part of England. We see nothing to deter any prudent, faithful man from travelling about in all parts, or settling in any one place, and preaching the gospel of salvation fully, and, in doing so, holding up to just condemnation all the false systems by which the people are held bound of Satan. Much more, we think there is not only a wholesome fear, but a just respect, for the Englishman. The Government of the country have done much to establish this state of things. The governing board are well known for their high principles, and their spirit and example pervade all the officers of Government, who seem to have been selected for energy, talent, habits of business, and upright character. The rapidity of the improvements in the country is really wonderful. A few years have done the work of an age in the Punjaub; and the people, feeling perfect security for life and property, and a strong reliance upon the administration of justice, are freed from all petty oppression, and, in the full exercise of industrious pursuits, are not only contented, but happy."

He (Sir R. Inglis) was one of those who believed that this empire over 150,000,000 of persons, occupying the fairest portion of Central Asia, had not been intrusted to us for purposes of mere selfish gratification, and for the mere accumulation of fortunes by those who went out to that country; but that empire had, he humbly trusted and believed, been confided to us for higher ends, and he believed we should best consult the glory of God and the good of the people of India by extending, not merely a wise and liberal toleration to those who professed our common faith, but by giving them every encouragement possible. One of the defects of the Bill was, that it did not provide for the extension of that religious care which we owed to our fellow-subjects in India. He did not ask them to do anything against those who worshipped in idolatry; he asked only that they should exert no influence in its support, and should remove from those professing our common Christianity the hindrances to which they were at present subjected. Whatever were his objections to the Bill, however, when he had to decide between a measure which might be remedied in Committee and an Amendment which postponed all legislation, he had no hesitation in giving his vote against that Amendment. In Committee they might, and he trusted they would, adopt improvements in the Bill, by fixing, in the first place, a period for the duration of the Company's powers, by severing the connexion between Her Majesty's Government, whoever they might be, and the patronage of the East India

Company; and, in the next place, by providing against the limitation of the independent action of the Board of Directors, by interfering with the position of those who were at present members of the Court. What was the magic in the number eighteen, as contrasted with the number twenty-four? Then, with respect to the argument used, that we were now dealing with India on different terms from those on which we were dealing with India in 1833, he contended there was no difference whatever. The proposition in the year 1833, was simply to destroy the monopoly of the China trade then enjoyed by the Company; but, with that exception, there was nothing in the present condition of the East India Company, in its Home or Indian Government, which was different to its condition in 1833. Seeing, therefore, no reason for changing any one of the propositions made and adopted in 1833, and believing that, under the combined influence of a wise Government at home, and the most remarkable and admirable Government which the history of the world presented in India, similar results would flow from the continuance of the system as had hitherto characterised it, he, at least, though he should vote against the Amendment which postponed all legislation for two or three years, and so far should vote in favour of the Bill, which might be amended in Committee; and in urging those Amendments, he should generally endeavour to assist the maintenance of that system which was established in 1833.

MR. BAILLIE said, it was not his intention to enter into the controversy urged so warmly on both sides the House as to the past administration of India; not that, had he been so disposed, it would have been difficult for him to have dressed up a case either favourable or unfavourable to the present system. Of this they had had a remarkable instance when the Bill was introduced. On that occasion two distinguished advocates appeared before them. One, the right hon. President of the Board of Control (Sir Charles Wood), who drew a glowing picture of all the advantages and the benefits India had derived from the acts of our Government; while the other, the hon. Member for Manchester (Mr. Bright) placed before them all the evils and the miseries which the people of India had suffered under what he called that ill-constructed system. Both were masters of the subject, both supported their propositions by evidence it was impossible to dispute. The difference was, that in the case of the right hon. Baronet all the evils of the existing system were omitted to be noticed; whilst in the case of the hon. Gentleman all the good of the existing system was studiously suppressed. He should not follow the example of either; but should confine his attention to the Bill before them for the reconstruction of the Government of India. The House was aware that in 1833 great and important changes were made in the Government of India; that the Bill which was passed on that subject was avowedly an experiment. The time for its reconsideration had now arrived, and he, for one, thought it due to the vast population of India, that all doubt and uncertainty as to their future destiny should cease; that Parliament should be prepared as soon as possible to legislate for their future government, and that the people of India should as soon as possible understand what the form of that government was to be. It would be most desirable that this question should be settled during the present Session; but it was most desirable also, that when the question was settled, our legislation should partake of something of a permanent character. Now, was any one prepared to assert that this Bill proposed by the Government did partake of any permanent character? Did not the hon. and learned Gentleman the Member for Kidderminster (Mr. Lowe) say that he thought it desirable that the people of India should have the power of altering their constitution, and that they should be placed in the same position as the people of the Colonies?—

MR. LOWE denied that he had made any statement of the kind.

MR. BAILLIE had no wish to misrepresent the hon. and learned Gentleman, but he certainly understood him to express an opinion to that effect. He (Mr. Baillie) admitted the inconvenience of delay, and felt the uneasiness which prolonged doubt and uncertainty would create in India; but he would ask whether it would not be an evil worse than inconvenience, if a general feeling should prevail in this country as well as in India that the Government had forced their crude legislation on the House at a late period of the Session, without waiting even for the reports of their own Committees, and without, he feared, that mature deliberation which the vast importance of the subject imperatively required. The case would have been different if the Government had come forward and said that they did not think any great or important change in the administration of India necessary. That did not appear to be their opinion; and he frankly confessed he believed it was not the opinion of the House; and in fact he believed it to be the general conviction that very much greater changes in the Home Government of India than were proposed by the Government measure were necessary. If that were so, surely the demand for a temporary delay on the part of those who felt the deep responsibility attaching to them could not be deemed unreasonable or unjust. The hon. and learned Member for Kidderminster had referred to the Committee which reported during the last Session of Parliament, and he stated that the Committee had introduced a clause into their report which justified legislation. He certainly did not undervalue that report; but the Committee had only reported on one of the eight branches of the inquiry submitted to them—on that branch, namely, which referred to the authorities and agencies for administering the Government of India at home and in India. In that report the Committee expressed a favourable opinion on the method of governing India by a Board of Directors acting under the control of the Crown; but they expressed no opinion whatever as to the future government of India, or whether any alterations or reforms were required in the present system. This omission could only be attributed to the fact that the Committee were of opinion that the subject had not been sufficiently investigated. That was precisely what they expressed in their report. The Committee was quite aware of the faults and defects of the existing system, of the inconvenience and awkwardness of the double form of government, and of the delay occasioned by it; but they were compelled to admit that practically the system had worked well, indeed much better than perhaps might have been expected. But, if that Committee had supposed that their report would have been alleged as a reason why the House ought to proceed to legislation, then he could not doubt that the Committee would have been prepared to enter into further explanations, and to have pointed out those evils which Parliament might have remedied without much disturbance of the existing system—evils which, when the subject came to be investigated, could no longer remain. If the House was to proceed to legislate for the future government, they ought clearly to understand what it was they were called upon to do. As he understood, they were invited by Government to legislate for the reconstruction of the Home Government of India, leaving to that authority, when reconstructed, in conjunction with the administrative Government, the power to make all those changes and alterations which might be thought necessary. If that were so, it was manifest that their first consideration was the selection of those who were to govern the country. Virtually, the East India Directors were the governors of India. It was often said that they had no real power, because they acted under the control of a Minister of the Crown. It might be quite true that wars had been entered into without their concurrence; but, as regarded the administration, they were virtually the governors, for they originated everything, regulated everything, and administered everthing. Under these circumstances it was essentially necessary for them to consider whether the prevailing system of election brought the best and most qualified persons into that position. In his opinion the contrary was too frequently the case. The Directors were elected by the proprietors of a peculiar description of East India Stock; the number of the constituency being about 1,700, the number of votes about 3,300. The constituents, many of them, had become possessed of their stock by inheritance, or as a mere investment. They resided at a distance, and were frequently indifferent on the subject of the elections. Hence it had become a practice among them to leave their proxies in the hands of their London bankers, who by this means obtained a very large share in the power and patronage of the Company. Many of the London bankers held large numbers of proxies, and by acting together they could almost ensure the return of any candidate; and so powerful was that interest, that it had already six representatives in the direction. But this was not the worst part of the present system. There were others who took great interest in these elections—he meant gentlemen who went among their friends soliciting proxies for the election of new candidates. When a person of that description had collected fifteen or twenty proxies, he was in a position to stipulate with a candidate for appointments. This practice was carried on to a great extent. A friend of his was solicited by a gentleman who had collected sixty proxies for the express purpose of operating upon any candidate who might come forward; and when the contest became close, it was generally understood that the candidate who was most lavish in his promises was sure to carry the election. One gentleman told him that he was beaten on one occasion, and that his opponent had been so lavish of his promises that all his patronage was pledged for twenty years to come. However the system might be glossed over, it was nothing more nor less than a system of bribery and corruption. Those who prided themselves so much on being the advocates of reform, ought to bring forward some measure for the reconstruction of the Home Government; and he was surprised that a Government which professed to base its title to support on its professions of reform should have allowed a system of this kind to remain in the measure which they proposed for the reconstruction of the Government of India. It could only be supposed that great statesmen were sometimes ignorant of what was going on in the world. He had no doubt the noble Lord the Member for the City of London (Lord John Russell) was as ignorant of the mode in which these elections were conducted, as he was of the bribery and corruption which prevailed in the City at his first election; but he would tell the noble Lord, who was so ready to disfranchise Harwich, that bribery and corruption were not less degrading and injurious, because they might be carried on secretly, and veiled from the public eye. He could not see the particular merit of any kind of stock, that it ought to give to the ladies and gentlemen holding it the power of electing the governors of India. The question which they had now to consider was this: Did the system, such as it was, secure the election of the men best qualified to discharge the important duties entrusted to them? He emphatically said that it did not; and he would not only prove that it did not secure the services of such men, but that it deterred the best qualified men from seeking to be returned. What did Colonel Sykes, one of the most distinguished officers examined before the Committee, say with reference to the existing system?—

"Do you believe that the present system deters proper candidates from offering themselves to the proprietors for election?—I have no doubt about it.

"On what grounds do you entertain that opinion?—They will not condescend to undergo the ordeal of soliciting persons in various grades of life for a period of seven years, which was my fate; and, moreover, men who have distinguished themselves in India come home at that late period of life that such a labour before them would amount to a very considerable physical inconvenience. There is also expense accompanying it; and, after all, there is the chance of being thrown out, and the whole labour lost. Many men have commenced a canvass, and have abandoned it.

"Do you consider that the change that was made by the last Act, of allowing proprietors to vote by proxy, has been beneficial, or otherwise? —I think it has been beneficial, on the principle that it enlarges the constituency, and therefore renders the action of knots of interests less influential.

"You stated that the expenditure of a candidate must be great; in what way is it great?—In travelling about the country, and in having committees; and a candidate is obliged to have a permanent clerk to keep his books; the cost to me was 2,228*l*. I was seven years about it.

"You have stated that your aggregate expense for a seven years' contest was 2,228*l*.; do you wish the Committee to understand that that expense was directed solely to paying a clerk, and hiring some rooms, and agency where necessary; or did it include the refreshments, continuing for a long time, of gentlemen who served on your Committee?—Only refreshments to my Committee at the time of the election; not at other periods."

He would also refer to the evidence of another distinguished officer on the same point, Mr. William Wilberforce Bird, who said, in reply to the question—

"What situations have you filled in India?—I arrived in India in 1803, and after passing through the college I was appointed to Benares, where I remained about a dozen years in the judicial department; in 1821 I was appointed to the special commission at Cawnpore and Allahabad, for revising sales of land, brought about by undue influence; after that I came to the Presidency, and was appointed to the Resumption Commission. I then became a Member of the Board of Revenue, and was subsequently appointed to the Board of Customs, Salt, and Opium; I then succeeded to Council; and while in Council I was four or five times Deputy Governor of Bengal. I became also President of the Council; and I held the office of Governor General from the time of Lord Ellenborough's recall till the arrival of Lord Hardinge.

"As you, from your long and eminent service in India, are probably acquainted with the feelings of the civil members of the East India Company's service, can you state your opinion whether the mode of election and canvass for Directors in this country deters them from being ambitious of that honour?—I cannot answer for others; but with regard to myself, I can say that I have been deterred from offering myself for the direction by the immense time that it takes to canvass, and by the difficulty that, at my advanced period of life, I should have experienced in obtaining a seat; and I suppose that the same feeling animates a number of others, though not all."

He could give a long list of distinguished men who had been in the same manner deterred from offering themselves; but did not think it necessary to do so; he might, however, mention Sir G. Anderson, the Governor of Ceylon, who wished to enter the Directory, and had made all the preparations for a canvass, when his courage failed him. He thought, then, that he had shown that the system under which the Directors were elected was most unsatisfactory; and, moreover, if they were about to legislate for the permanent government of India, they ought to devise some different mode of election, because the present machinery was only of a temporary nature. The Bill of 1833 provided that the East India Government should have the power, at the expiration of forty years, of paying off the stock, and thus putting an end to the constituency; and probably, at the expiration of that period, the sinking fund would enable them to do so. Supposing the present constituency to be extinguished in that manner, some other system must be provided, and why should not that be done now, when the whole system of government was under consideration? He thought it possible to form a much better constituency, and to introduce other elements into the Court of Proprietors. Retired civil and military officers of twenty years' standing might be introduced with great advantage into the constituency. But if he were told that such an alteration was impracticable, then he would infinitely prefer the nomination of the Directors by the responsible Minister of the Crown, to continuing the existing system. The objection to the nomination by the Crown was, that it would make the Directors subservient. But were they not subservient to the Crown at the present time? The fact was, that the President of the Board of Control could compel them to do as he thought proper. It had been said that such nomination would give increased patronage to the Crown. There could be no doubt of that. But had not all the great law reforms given increased patronage to the Crown, especially the County Courts Bill? Certain conditions might be imposed on the choice of Directors. One-half of them might be selected from the officers of the Indian Government —men of twenty years' standing, whose experience would be most advantageous in the management of the affairs of the Company. He now came to the question of patronage. Under the existing system the Directors did not receive any salaries worthy of consideration, but they had a large amount of patronage, which they naturally regarded as payment in lieu of salary; it was, therefore, not surprising that they should consider themselves entitled to deal with that patronage as they might think proper. He should be sorry to say a word against the manner in which the present Court had exercised their patronage. He was only surprised that it had been so well administered, and that much stronger complaints had not been made. Some of the Directors retained a portion of their patronage to provide for the families of persons dying in the service. That was noble and patriotic conduct, and a sacrifice of their private interests to public duty, and it was the more meritorious seeing that there were other Directors who made a different use of their patronage, and it was known that many men had obtained seats in that House by the distribution of patronage of that description. Now, what was the remedy proposed by the Government? Why, that all the most valuable patronage should be placed in the hands of the Crown. He could not conceive it possible that any Government could be well conducted when deprived of all patronage, and of all the means of supporting its public servants. He had no objection to a certain portion of these appointments being given to our great educational establishment; but he thought a certain portion of them ought to be held by the Court of Directors, and distributed by them in their corporate capacity, and not as private individuals as at present. Then, with respect to the cadetships, he thought these appointments more than the Directors were entitled to, and he would withdraw one-half of the patronage in the Army, and place it in the hands of the Commander-in-Chief at the Horse Guards, with the distinct understanding that it should not be used for political purposes, but exercised as a solemn trust for the benefit of the community. This would be, he was persuaded, a more satisfactory distribution of patronage than at present existed. He thought it most desirable that the people of India should understand the form of government under which they were living. The native princes, the native troops, and the native population all imagined that they owed allegiance to the East India Company. The Company was the only recognised sovereignty in India. The name of Her Majesty was studiously ignored, and the government was carried on under the fiction of a supposed Company, which virtually ceased to exist in 1833.

Now, that was a monstrous delusion. It was not less humiliating to the people to India, than insulting to the Queen. It was a state of things which ought no longer to endure. Means should be taken to carry on the government of India in the name of the Queen, and Her Majesty ought to be proclaimed in every city of that vast empire as Queen of India. The native princes and native troops would feel it less galling to their pride to acknowledge themselves as tributaries and vassals to a great and powerful Sovereign, than to a supposed body of English merchants; and the troops would feel a just pride in being allowed to assume the title of the Royal Indian Army instead of that of the Honourable East India Company's Service, which lowered them in their own estimation. But it was not only in India that this system of mystification was carried on. The Board of Control in this country was a delusion; and Lord Broughton once most truly told a Committee of the House of Commons that he, in person, was the Board of Control. Let the people of India clearly understand that Her Majesty had assumed the sovereignty of the country, and had appointed a Minister to preside over it. It was true that these were but nominal changes; but they would serve to convince the people of India that Her Majesty was not indifferent to their welfare, but felt proud of being the Sovereign of so vast an empire. He did not ask the Government to make any rash or violent change—he did not ask them to uproot or destroy the existing system, which, whatever might be its faults or anomalies, had been instrumental in raising a most splendid monument to the glory of this country. Upon the wisdom of our legislation it would depend whether that monument should be preserved, or whether, in a few years, its shattered fragments should alone remain as a melancholy example of the instability of fortune, and of the uncertainty of all sublunary things.

MR. HERRIES said, that the question before the House was, in the first place, the second reading of the Bill for the regulation of the Government of India; but between their decision upon that point had been introduced a Motion, supported with great ability by his noble Friend the Member for King's Lynn (Lord Stanley), the object of which was to induce the House to abstain from any legislation at the present time. In what a position would the House be placed if they agreed to this Amendment? His noble Friend had, indeed, in the course of his speech considerably modified the difficulty in which they would otherwise have found themselves placed, by pointing out that he contemplated the passing of an Act to continue the measure of 1833, which was now in operation. But he had not told them whether there was any Resolution before the House which would thus relieve them from the difficulty in which they would be placed by agreeing to his Motion; and under these circumstances he (Mr. Herries) could not support a proposition which was calculated to create so much embarrassment. The Act at present in operation by which the Government of India was carried on by the East India Company, would expire in April, 1844; there was no prospect, nay, he would say, no possibility, of their framing a new system of government as the result of further information, if that were necessary, between the present period and April, 1854; and Parliament would, therefore, have in that case no alternative but to continue the present system under circumstances of the greatest difficulty and pressure. Under these circumstances, the Amendment appeared to him to be vague and unsatisfactory in every respect. It then became a question whether he should agree to the Bill or not? And this question, he must confess, presented a very great difficulty. There were parts of the Bill in which he was unable to concur; and if he were told that these provisions of the Bill might be considered in Committee, and might either be agreed to or rejected, or modified, until the Bill met the views he entertained, he confessed he felt some reluctance in encountering the difficulties which would be attendant on this course. But still, of the two alternatives, he was bound to say that he would rather encounter the difficulty of mending the Bill before the House in Committee, so as to render it one under which the Government of India might be efficiently conducted, than he would incur the responsibility of agreeing to the Resolution of his noble Friend, which must throw all things into confusion, and greatly embarrass the Government in their endeavour to legislate, and might perhaps endanger our Indian empire. Allusion had been made to the inquiry into Indian affairs which was now going on. It was his duty to bring that subject before the House in the beginning of 1852. In doing so he only took the course which had been determined upon by the preceding Administration: indeed, on entering office, he found upon the notice-book of the House a Motion for the appointment of a Committee of very much the same character as that which he afterwards proposed. In the appointment of that Committee he endeavoured to select for its Members the ablest men on both sides of the House. When the Committee was appointed, consisting of some of the ablest and most competent men on both sides of the House, he asked the hon. Member for Huntingdon to preside over it; and all those Gentlemen who had attended the inquiries of the Committee would bear their testimony to the manner in which that hon. Member had justified his selection. He also proposed to the Committee that division of subjects of inquiry which had been often adverted to, and which he thought indicated an honest intention to make the fullest inquiry into this important subject. Notwithstanding what some persons deemed the short time that was allowed for the inquiries of the Committee, he confessed he entertained the hope that they would have been able to complete them and to make a Report to the House in sufficient time for them to legislate during the present Session; and, in fact, it was only the extreme patience, perseverance, and attention of the Committee that had so far protracted their inquiries as to prevent them proceeding with more than three of the heads into which the inquiry was divided. But those three heads were of the utmost importance. They embraced the subject of the authorities and agencies for administering the government of India at home, which was, in point of fact, the very subject that the House was then considering; that of the naval and military establishments, and that of the income and expenditure. The revenue system, which was a most important point, had also been largely inquired into. There remained for consideration, indeed, the subjects of the judicial system, and of the measures to be taken for the education of the people—both, no doubt, very important, but not necessary to be inquired into before they legislated with respect to the Government of India, as they might very well be dealt with by subsequent Acts of Parliament. When his noble Friend said that further information was necessary, he (Mr. Herries) would ask them what information that was necessary had they any chance of acquiring before they proceeded to legislate? If they waited one, two, or three years more, as the noble Lord suggested, he believed they would still be in the same position they were in now, and would still be told by some persons that further information was necessary. The brief question for the House was, had the Government of the East India Company, upon the whole, succeeded? The House would permit him, considering the station he had occupied, to offer a few observations upon the many topics that had been touched upon with regard to the Government of India. All the blame and ridicule were cast upon the double government. It had been made the scapegoat for all the calamities that had befallen, and all the abuses that had prevailed in, India. It was accused of squandering in useless wars revenues which should have been appropriated to public works. The charge was altogether unfounded. Neither the Board of Control, nor the Court of Directors, were responsible for wars undertaken in India. In discussing this question, persons were apt to overlook the Government in India, which was the most important part of the system by which the affairs of that mighty empire were administered. The two wars which ended in the annexation of the Punjaub, the war of Scinde, that which ended in the reduction of Gwalior to obedience, and even the war of Affghanistan, had certainly not originated either with the Court of Directors or the Board of Control. The initiative had in all these cases been taken by the Government in India, acting in the exercise of that authority which must be vested in them for the rule of that great empire. He believed that the double government—the result, in some degree, of chance—which had grown out of circumstances previously existing, and which had to be moulded by time and by the wisdom of our predecessors, was the best fitted for the administration of Indian affairs that it was possible to construct. In 1830, the Duke of Wellington and the Earl of Ellenborough, looking forward to the changes that would have to be made in 1833, on the expiration of the India Company's Charter, met the "chairs" of the Company to consult with them as to the future government of that great empire. Those statesmen did not then question the value of the double government, but proposed to continue it in the same form in which it had been settled in 1784—a form which had been approved by four successive Committees of Inquiry. The desire of the Company to promote the welfare of the Indian population was shown by the following extract from a despatch addressed to the Supreme Government of India in December, 1834:—

> "In contemplating the extent of legislative power conferred on our Supreme Government—in reflecting how many millions of men may, by the manner in which it shall in the present instance be exercised, be rendered happy or miserable—in adverting to the countless variety of interests to be studied and of difficulties to be overcome in the execution of this mighty trust, we own that we feel oppressed by the weight of the responsibility under which we are conjointly laid. Whatever means or efforts can be employed on the occasion—whatever can be effected by free and active discussion, or by profound and conscientious deliberation—whatever aids can be derived from extrinsic counsel or intelligence—all, at the utmost, will be barely commensurate with the magnitude of the sphere to be occupied, and of the service to be performed. We feel confident that to this undertaking your best thoughts and care will be immediately and perseveringly applied; and we invite the full, the constant, and the early communication of your sentiments in relation to it. On our part, we can venture to affirm that no endeavour shall be wanting in promoting your views and in perfecting your plans. And we trust that, by the blessing of Divine Providence on our united labours, the just and beneficent intentions of the country, in delegating to our hands the legislative as well as the executive administration of the mightiest, the most important of its transmarine possessions, will be happily accomplished.

The witnesses who had been examined before the Committee had borne most satisfactory testimony with regard to the general administration of Indian affairs, and to the desire which had been manifested by the Indian Government to improve the condition of the people of India. He would read to the House a statement which was, he thought, a complete answer to the charges of mismanagement which were urged against the East India Company. This was an extract of a letter from Mr. Thomason, Lieutenant Governor of the North-Western Provinces, who said, in 1852—

> "I have just marched to this place along the strip of country reaching from the Sutlej to the Jumna by Hansi and Hissar. You must remember that country when it was inhabited by a wild and lawless set of people, whom no one could manage. Native chiefs would not take the land as a gift. Our own troops were frequently repulsed by the communities of Rangurs and Bhuttees, and others, who lived in large fortified villages, and subsisted by plunder. Now, the country is thickly inhabited, and well cultivated, and the most peaceful possible. This year the khurreef has failed entirely, and very little rubba has been sown, and yet the revenue has been paid up without a balance, and has occasioned no perceptible distress. I received, as I always do, hundreds of petitions daily on plain paper. The general complaints were regarding their rights in land. A few only, and that at the end of my journey, contained complaints regarding the severity of the season. This is the effect of firm rule and of light assessment. Mr. R. Bird (all honour to his name) insisted at the late settlement on a considerable reduction of assessment. The consequence is, that land, which before was worthless now bears a high value, and a people who were before lawless now yield implicit obedience to the laws. It is a cheap government, of which the strength consists in low taxation."

It appeared that since the passing of the Act of 1833 the imports had increased, and the exports had been more than doubled. The colleges established by the British Government for the education of the natives had been increased from fourteen in 1835 to forty in 1852. The formation of railways had been commenced, and efforts were made to cause the introduction of capital from England for that purpose, and for the construction of public works. The electric telegraph had been introduced, and a gentleman of great experience (Dr. O'Shaughnessy) having been sent to this country from India to confer with them on the subject, had received the most prompt attention from the Board of Control. He contended, therefore, that the Government of India had always manifested an earnest desire to promote the welfare and happiness of the inhabitants of that portion of our empire. He was inclined to agree with the Government in voting for the second reading of the Bill; but when the House got into Committee upon it, he should endeavour to introduce such alterations as he conceived were necessary in order to fit it for being a permanent provision for the government of India, and in particular he should endeavour, if the Bill got into Committee, to expunge all those clauses which related to the new constitution of the Court of Directors.

On the Motion of Mr. HUME, Debate *adjourned* till *To-morrow.*

EXCISE DUTIES ON SPIRITS BILL.

Further proceedings on Third Reading *resumed.*

MR. BOWYER said, he objected to the unequal operation of the 17th and 28th clauses. When the Bill was introduced, he asked the right hon. Gentleman the Chancellor of the Exchequer why the same allowance was not made for Irish and Scotch spirits in bond as was made in regard to foreign spirits. He asked now that the same principle should be applied to the

17th clause as was applied to the 28th clause. The 17th clause related to the waste of spirits during the process of distillation; but the 28th clause was much more important, because it regarded the waste of spirits in bond. From a statement furnished to him by the Distillers' Association of Dublin, it appeared that the allowance per cent for five years, by the new Bill, would be 8¾ per cent, while the actual loss would be 14½. The real question, therefore, was, whether spirit dealers should be required to pay duty upon spirits for which they got no profit, which had evaporated into thin air, and which were not in existence at the time when the duty was paid?

Clause—

> "That from and after the passing of this Act the Duties of Excise payable on all British Spirits, when taken from warehouse for Home Consumption, shall be charged on the quantity, ascertained by the Measure and Strength of the same, actually delivered; save and except, that when such Spirits are not in a warehouse of special security, no greater abatement on account of the quantity or strength, as ascertained at the time the said Spirits were warehoused, shall be made, than shall be after the several rates of allowance following, that is to say—
>
> "For every one hundred gallons hydrometer proof:—
>
> "For any time not exceeding three months, two gallons;
>
> "For any time exceeding three months and not exceeding six months, three gallons;
>
> "For any time exceeding six and not exceeding twelve months, four gallons;
>
> "And for every additional six months, one gallon."

Brought up, and read 1°.

The CHANCELLOR OF THE EXCHEQUEY said, the allowances in the Bill had been framed with great care, and in conjunction with the distillers of spirits, whose representatives in London had gone through them, and declared that they were such as the distillers were satisfied with. They were founded on a principle of a rate of allowances which it was thought would contribute to the advantage of the trade, and would also greatly simplify the operations of the revenue officer.

MR. P. O'BRIEN said, he did not think that the difference which was to be allowed in reference to the wasteage of spirits was properly carried out by this Bill. The statement which had been made by the hon. Member for Dundalk (Mr. Bowyer) was not got up for the purposes of this discussion, but had been printed, and under the attention of the Commissioners of Inland Revenue for some time. He did not see any reason why home spirits should not be placed in the same condition as foreign spirits, on which duty only was paid according to the amount which went into consumption. The difference at present existing amounted, in fact, to an actual export duty upon home spirits, if ever they were sent abroad. He also thought that an undue preference was shown to foreign spirits over Scotch and Irish spirits, in reference to their introduction into the Navy.

MR. GROGAN said, he did not think the right hon. Gentleman was fully sensible of the injustice under which the Irish dealers laboured, or he would not persevere with this part of his Bill.

Motion made, and Question, "That the said Clause be now read a Second Time," put, and *negatived.*

Motion made, and Question proposed, "That the Bill do pass."

MR. CONOLLY said, that when on a former evening he had opposed the further progress of this Bill, he had been charged with factious motives; but he had been actuated solely by a feeling of what was due to the constituents whom he represented, and to the country to which he belonged. It was absolutely impossible for him to allow this Bill to pass its final stage without entering his most decided protest against it. He was not opposed to any particular clause of the Bill merely, but he objected to the measure in its entirety; and in saying that he begged to rebut the taunts thrown out against him by the right hon. Gentleman (the Chancellor of the Exchequer), who had charged him with not being in his place to discuss the details of the Bill, although he knew that he was opposed to its whole spirit and principle. He (Mr. Conolly) could say that he had never preferred his personal ease to his public duty, and he did not deserve at the hands of Her Majesty's Government the obloquy that had gone forth among his constituents, to the effect that he neglected their interests. With regard to his coming down to the House at a late hour, and under particular circumstances, that was an insinuation which was unworthy of the right Gentleman; and he must say that when Irish business was taken at a late hour of the night, Irish Members who were anxious to protect the interests of their constituents ought not to be met with frivolous and vexatious taunts of that sort, which partook of an offensive familiarity of which he did not approve. But putting aside all these minor questions, which he was sure did not touch him at all, he would go to the merits of this question. This question, as he ventured to say the other night (when he was subjected to these animadversions), was one of the deepest interest to Ireland, and especially to the northern and north-western districts of that country. In every instance, from 1800 to the present day, when attempts similar to the present had been made to increase the spirit duties, the evils had been found to be so great and awful that it had always been deemed politic to recede from such intentions. Whenever the spirit duties had been increased, the revenue had not been increased in proportion; but, on the other hand, illicit distillation had received an impulse, and demoralisation had spread among the lower classes. It was almost impossible to carry out the law of the land where illicit distillation prevailed to a great extent. If an additional duty could be made to accrue to the revenue without an enormous increase of illicit distillation, the present measure would be a boon to the country; but he predicted that the consumption of spirits would not be checked, and that illicit spirits, so far from becoming dearer, would be had for absolutely nothing. [*Laughter.*] Yes, he maintained that that would be the result. The right hon. Gentleman had admitted the whole case against this Bill, when he said that it would be necessary to employ the civil police in the odious duties of still-hunting and informing. This measure he believed to be impolitic in principle, and he feared would be most injurious in practice; he begged, therefore, to meet the present Motion with a direct negative.

MR. MACARTNEY said, he wished to know whether the right hon. Gentleman the Chancellor of the Exchequer adhered to his determination of employing the police in carrying out the provisions of this Bill? The law as it stood at present prevented the use of the police in levying the Customs and Excise Duties.

The CHANCELLOR OF THE EXCHEQUER said, that the Government had certainly not changed their intention of making use of the services of the constabulary in the collection of the revenue; but as he had stated on a former evening, the Government did not require to be reminded of the other services which that body had to perform in Ireland, and with which their new duties would not be allowed in any degree to interfere. They would only be made available so far as might be found compatible with the due discharge of their other functions. It was not certain whether it would be necessary to propose any change in the law for the purpose of effecting the desired object, for the provision quoted on a former evening only prohibited the action of the constabulary in reference to the collection of revenue under the authority of justices of the peace; but at that moment he was not in a condition to say whether the law would permit everything to be done which the Government might think it desirable to have done by the constabulary. He might mention that there was no intention of employing the constabulary in performing that which was the primary duty of the Excise officers—namely, still-hunting; but there were many other useful services, such as escorting prisoners to the county gaol, or stopping illicit spirits *in transitu*, in which they might be engaged, and which would be performed by them more economically and with greater facility than by the revenue police.

MR. M'CANN said, he would rather see the police directly and openly engaged in still-hunting, than employed privately to assist others. He hoped the Government would not destroy that admirable body of police, which they certainly would, if they employed them in the manner proposed.

LORD CLAUD HAMILTON said, that if increased duties were to be thrown on the police force, their number must be increased, else their efficiency would be impaired; and if the number were increased, half of the additional expense must, according to law, be thrown on the county in which that increase took place. Would the right hon. Gentleman the Chancellor of the Exchequer introduce a proviso in his Bill, or in any other measure concurrent with it, to secure the counties from being saddled with any excess of expense which might be occasioned by the additional duty imposed upon the police? It was certainly quite a new thing to employ officers out of the county cess.

Question put.

The House *divided*:—Ayes 121; Noes 41: Majority 80.

RECOVERY OF PERSONAL LIBERTY BILL —ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming adjourned Debate on Question [22nd June], "That the words 'it be referred to a Select Committee to consider whether any and what regulations are necessary for the better protection of the Inmates of Establishments of a conventual nature, and for the prevention of the exercise of undue influence in procuring the alienation of their property,' be there added."

Question again proposed.

Debate *resumed.*

Mr. PHINN moved that the debate be adjourned till Wednesday 13th July.

Mr. CRAVEN BERKELEY said, that deprecating religious discussions in that House, he had a suggestion to offer, which he hoped would meet the approval even of the Catholic Members who were so hostile to this Bill. It was, that instead of a Select Committee, a Commission should be appointed similar to that which already existed with reference to Maynooth College. He wished to know whether his hon. and learned Friend the Member for Bath would object to such a proceeding?

Mr. PHINN said, he was in the hands of the House. He confessed he was not very much in love with his own Amendment, and would gladly accede to any kind of inquiry which might be likely to obtain the approbation of the House.

Mr. NEWDEGATE said, that with however little favour the hon. and learned Member's Amendment might be regarded by himself, it had not the approval of a majority of that House, whose property it now was. He would suggest that the hon. and learned Member should name Wednesday the 20th, as the County Rates Bill was fixed for Wednesday the 13th of July.

Mr. PHINN said, he would assent to this suggestion, and would move that the debate be adjourned to Wednesday the 20th. He begged to say in explanation, that, in saying he was not enamoured with his Amendment, he had not intended to give a pretext for the suspicion that he had not proposed it in good faith. What he meant was, that he was not in love with the first portion of it. He had received suggestions from all sides of the House to limit the Amendment simply to the second portion, which had reference to the prevention of undue influence in the alienation of property; and he was given to understand that if the Amendment were so restricted, it would probably be accepted by the House.

Mr. G. H. MOORE said, he should move as an Amendment on the original Motion, that the debate be adjourned to that day six months.

Amendment proposed, to leave out the words "Wednesday 20th July," in order to add the words, "this day six months," instead thereof.

Question put, "That the words 'Wednesday 20th July' stand part of the Question."

The House *divided:*—Ayes 83; Noes 35; Majority 48.

Debate *further adjourned* till Wednesday 20th July.

SLIGO WRIT.

Order read for resuming adjourned Debate on Amendment proposed to Question [13th June], "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Sligo, in the room of Charles Towneley, esquire, whose Election has been determined to be void. And which Amendment was to leave out from the word 'That' to the end of the Question, in order to add the words "the Writ for the Borough of Sligo be suspended for a fortnight," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. MILNER GIBSON said, that he, being a friend of Mr. Towneley and of Mr. Stonor, had naturally looked into the evidence upon which Mr. Towneley had been unseated. He found that the main ground for this course was a bribe said to have been given by Mr. Stonor to a man named Donovan. The only evidence given against Mr. Stonor was a letter dated 11th November, 1851, which, however, did not appear in the printed evidence. He wished to ask the Chairman, or any Member of the Committee who might be present, how it was that a letter which had played such an important part in this investigation, as it had caused the sitting Member, Mr. Towneley, to be unseated, had not been printed in the minutes of the evidence? He thought, in justice to Mr. Stonor, it ought to be produced. He did not wish to oppose the issuing of the writ, but merely asked the question for information.

Mr. MACARTNEY said, he thought it would not be expedient to proceed with the debate in the absence of the Chairman, and should therefore move that it be adjourned till Tuesday next.

Motion made, and Question proposed, "That the debate be now adjourned."

Mr. HINDLEY said, that as one of the

Committee, he would also suggest that the question should be postponed until the Chairman was present.

Mr. BOUVERIE said, he must object to the adjournment on the ground that it was unjust to debar the electors of Sligo from the exercise of their privilege of election longer than was necessary, merely because the Chairman of the Committee had gone to bed.

Mr. NAPIER said, he would remind the House that it was now two o'clock, and that the House would be called upon to sit again in a few hours.

Mr. J. D. FITZGERALD said, the only allegation of bribery was, that a person had been promised the payment of an old debt of 103*l.* provided he absented himself from the election, but that Mr. Towneley had not himself been connected with the act. The evidence had been printed since the last debate, and he defied any one to prove that any illegal act had been committed to warrant the Committee in unseating Mr. Towneley, or withholding the writ.

Sir JOHN SHELLEY said, that after the decision in the Harwich case, it appeared to be very necessary that this question should be inquired into. As far as he could see, the decision seemed to have been arrived at upon a letter which was not in the evidence at all. He certainly thought it behoved the House to know whether this Committee had acted contrary to all the rules of evidence, or without any evidence at all.

Sir EDWARD FILMER, as one of the Committee, said that, although reference had been made to a particular letter, as though the case against the Member unseated rested solely upon that, he must state plainly, that his vote was not given merely upon any particular letter, but upon the whole evidence as it struck his mind, and from the testimony of Donovan himself. As to the letter in question, he could not see what that had to do with the issue of the writ.

Viscount PALMERSTON said, that, as he had expressed an opinion the other day that it would be better to postpone the writ, he was bound to say now that it seemed to him there was no longer any reason why the writ should not be issued. He had thought it better, at first, considering what had passed, that the writ should not issue until the evidence had been placed in the hands of Members. Hon. Members now had that evidence. No special proposition affecting the borough had been founded upon it, and therefore it would not be fair to the electors of Sligo to keep them unrepresented merely in consequence of some question about a letter to Donovan. If there should be anything in the evidence upon which any Member wished to found an inquiry upon other grounds than bribery, such as the intimidation alleged to have been practised at the election, he would not be precluded from making a proposal upon that point after the issue of the writ. It would not be necessary to suspend the issuing of the writ for any purposes of that kind, and he therefore thought that, following the invariable practice of Parliament in not keeping a constituency unrepresented any longer than was absolutely necessary for the purpose of inquiry, it would not be right to postpone any longer the issuing of the writ.

Mr. VANCE said, this evidence had only been before the House forty-eight hours, and it was impossible, therefore, for them to determine whether it would be right to issue a Commission. There was one remarkable omission in this evidence, in addition to the non-insertion of the letter complained of. He had been present at the sitting of the Committee, who had ocular demonstration of the intimidation of the Roman Catholic priesthood, which was carried into the very Committee room. He observed a Roman Catholic priest place himself opposite to the witnesses while they were giving their evidence, and the counsel for the petitioners at last requested that this gentleman should be removed. The Committee, however, could not believe that anybody in the garb of a gentleman, much less in that of a clergyman, could act in such a manner as that described. But the Chairman at length perceived that, by threatening motions and other gesticulations, the witnesses were prevented by this person from giving their evidence, and then the Chairman ordered him to be removed from the position he occupied. The reputation of the borough of Sligo, as regarded bribery and priestly intimidation, was notorious. He thought they ought to pause before they issued this writ, and, with the view of giving the House time to deliberate upon the matter, he would move that the House do now adjourn.

Mr. EVELYN begged to say, having

been a member of the Committee, that the election had not been declared void on account of intimidation, and that Mr. Towneley had not upon any former occasion been unseated for bribery, although he was unseated for treating. He believed that, looking at the evidence, no ground existed for suspending the issue of the writ. The hon. Gentleman the Member for Dublin had discovered a mare's nest, when he asserted that the witnesses in the Committee room had been intimidated by a Roman Catholic clergyman. As to the letter that had been alluded to by the right hon. Gentleman the Member for Manchester, he must observe, that there was no mention of any such document in the resolution of the Committee respecting Mr. Stonor. From the conclusion arrived at by the Committee he humbly dissented, and he was perfectly prepared, if necessary, to defend the course he felt it his duty to adopt.

Mr. STUART WORTLEY said, he must urge the inconvenience of reviewing the decision of the Committee, and he would take that opportunity of declaring his opinion that there was no ground for delaying the issue of the writ.

Mr. BOWYER said, he thought it very important that, though this House was not to impugn the decision of its Committees, still some opinion should be expressed in case of a miscarriage by them, and a more extraordinary miscarriage had never occurred in any court or tribunal than had occurred in this instance.

Mr. P. O'BRIEN said, he felt himself called upon to deprecate hon. Gentlemen making charges against the Catholic clergy of Ireland at two or three o'clock in the morning, when the House was not disposed to hear hon. Gentlemen in their defence. He challenged the hon. Member for Dublin (Mr. Vance) to repeat his observations at a period when he could receive that reply which they deserved.

Lord CLAUD HAMILTON said, he thought that the great difference of opinion which existed among hon. Gentlemen was sufficient reason for adjourning the further consideration of the question.

Mr. V. SCULLY said, that the animus of the Committee all through the inquiry was shown by the fact, that in all the divisions the numbers were three to two. He saw nothing in the evidence to connect Mr. Stonor with anything dishonourable or illegal.

Mr. Evelyn

Mr. MILNER GIBSON said, his only object had been to get some explanation about the letter written by Mr. Stonor, which ought to have appeared among the evidence.

Mr. HINDLEY said, he should have preferred the Motion to be adjourned till the Chairman of the Committee was in his place. With respect to Mr. Stonor, he thought injustice had been done him, though not intentionally, and that the letter of November 11, 1848, was not properly in evidence. He entirely acquitted Mr. Stonor of any improper conduct, and did not think that the least imputation had been cast upon his character. He thought there was no reason to defer the writ.

Mr. EVELYN said, he begged to express his entire concurrence with the hon. Member (Mr. Hindley), as to the case of Mr. Stonor.

Mr. G. H. MOORE said, he intended to vote against the writ, but that, after the speech of the hon. Member for the city of Dublin (Mr. Vance), he must vote the other way.

The ATTORNEY GENERAL said, he hoped the House would not divide. No reason had been shown why the writ should not issue. What, then could be the object of an adjournment? Was it to renew a discussion of the topics they had heard that night? The only question was, whether the writ should issue. Nothing had been urged why it should be suspended. The House, on reflection, must see that they were committing a violation of a constitutional principle in suspending a writ merely upon a personal and collateral question.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 19; Noes 86: Majority 67.

Question, "That the Debate be now adjourned," put, and *negatived*.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Ordered—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Sligo, in the room of Charles Towneley, esquire, whose Election has been determined to be void."

The House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Friday, June 24, 1853.

MINUTES.] PUBLIC BILL —1ª Excise Duties on Spirits.

INCOMES OF THE BISHOPS—THE SEE OF SALISBURY.

The BISHOP of SALISBURY:* My Lords, I have first to thank the noble Lord opposite (Lord Berners), whose notice stands first on the paper of to-day, and the other noble Lords, for the kind courtesy with which they have permitted me at the earliest possible moment to bring before your Lordships the Motion I wish to make; and I am sure that it is not necessary for me to ask of your Lordships on the present occasion that measure of indulgence which your Lordships are always ready to extend to those who desire to vindicate their personal character from imputations cast upon it in respect of their conduct in any public capacity. This, my Lords, is a desire which every Member of your Lordships' House may rightly feel; but which assumes a character of even sacred duty in one holding such an office as I have been called to fill, and who feels that if he be indeed guilty of the charges brought against him, religion itself is, in the eyes of men, wounded in his person, and shares, though it ought not, in the dishonour which attaches to its unworthy minister.

My Lords, I have been publicly accused, as many of your Lordships are aware, of "selfish malversation of funds dedicated to the highest purposes," and of "having received and retained" large sums of money "more than my due." I hope to be able to show your Lordships that there is not any ground for these charges; and, in order that I may do this, I must request you to bear with me while I state, as succinctly as I can, the real facts of that case to which these charges apply.

It is familiar to many of your Lordships, though perhaps not equally known to all, that the Act 6 & 7 *Will.* IV., c. 77, constituted a Board of Commissioners, with powers to make inquiry into the revenues of the several sees, and to attach to the more largely endowed such fixed charges, to take effect on each new incumbency, as should leave to the respective bishops incomes approximating as near as might be to those which were intended for the respective sees.

Now, my Lords, there are two points with respect to this Commission and its functions which, in reference to this case, it is essential to bear in mind:—First, as to the constitution of the Commission itself, that it was not the present body of Ecclesiastical Commissioners, which comprises all the bishops, but a smaller body, consisting of thirteen persons, eight of them laymen, and five only ecclesiastics. The laymen were some of them members of the Administration, sitting at the board in virtue of the offices they held; others were specially named as persons particularly interested in the work for which the Commission was appointed, and willing and well qualified to give their assistance in it. These were—the late Earl of Harrowby, Mr. Hobhouse, and Sir H. Jenner Fust. The ecclesiastics were the late Archbishops of Canterbury and York, and the Bishops of London, Lincoln, and Gloucester; none of whom were themselves subject to the powers of the Commission. I, therefore, was not a member of this Commission. They were not to me, as they have been falsely termed, "brother Commissioners." They were not persons who could do a job for me to-day, and for whom I might do a job to-morrow, as has been coarsely insinuated; but they were persons with whom I was not in any special relation—with none of whom, with the exception of my kind friend and patron the late Archbishop of York, was I at that time in any habits of intimacy, and with most of whom I had hardly any, even the slightest, personal acquaintance. Secondly, as to the functions of this Commission—It was not their duty to assign fixed incomes to the several sees; but to affix such charges upon the more largely endowed sees as should, "upon due inquiry and consideration, be determined upon." The charges were to be fixed; the income was left uncertain. It might be more or it might be less, as chance or other circumstances might determine; and the reason why this course was adopted was always stated to be that the bishops would thus have a personal interest in the management of their property, as whatever additional income was obtained by better management would rightfully appertain to them during their incumbency, and the benefit of it accrue to the common fund of the episcopate only from the larger charge which would be laid upon their successors. Now, my Lords, when I entered upon the possession of the see of Salisbury, in the year 1837, these Commissioners had, in a previous report, recommended that no charge should be affixed upon this see; but upon finding, at the time of the death of my predecessor, that a return of the income for the last seven years exhibited a surplus, in consequence of some large fines received by him, they proposed to alter their decision, and to charge my see with the payment of 800*l.* a year. Now, my Lords, I need hardly say, that an average of seven years must exhibit a very uncertain means of judgment as to the future amount of an income in great measure derived from fines upon leases for lives; and, if this must always be the case, it was more especially so in respect of the see of Salisbury, the property of which consists of a very small number of large estates, and the income of which, therefore, falls in at the most uncertain periods, and varies most extremely in amount. I have received in some years as little as 2,500*l.* I have received as much as 16,600*l.*, and every possible variation between these extremes. It was upon this ground that I was strongly advised by persons whom I had reason to think much better acquainted both with the property of the see, and with business of this kind, than I could pretend to be myself, to propose to the Commissioners that, instead of founding their decision upon the average of the last seven years, they should institute an inquiry into the state of the property, and the condition of the leases, and base their judgment upon that. A somewhat extended correspondence ensued, in which the Commissioners made different suggestions, but in which I adhered steadfastly, and almost exclusively, to this point. Now, my Lords, I certainly will not undertake to say that in a long correspondence, written with the freedom and unreserve of a supposed private communication, and which assumed somewhat the character of a controversy in which each party endeavoured to make good his own position—I certainly will not say that every argument, or every expression I may have used, is such as, on fuller knowledge and reconsideration, after the lapse of sixteen years, I would now select or employ. But I thought then, and I think now, that the general principle I had in view was legitimate and just, and that I supported it by arguments I was entitled to advance. It appeared so, I presume, to the Commissioners themselves, for they finally adopted my suggestion. The leases of my property were made the subject of a reference to the eminent actuary, Mr. Morgan; and it was mainly upon the opinion which he gave respecting them that the Commissioners resolved that there were not sufficient grounds to justify them in affixing any charge upon my see. If they were in error in that decision, the responsibility was exclusively with them. They were not induced to arrive at it by personal favour to myself. I was not one of their body; I was not in a situation of mutual confidence with them; but, whether rightly or wrongly, I am sorry to say, rather at that time in one of opposition and controversy. I believe that they exercised their judgment as fair and honest men, as they thought, on the whole, right in a matter in which the materials of judgment were very insufficient, in which experience has shown that it was impossible to arrive at any certainty, and in which, therefore, any decision was very likely to be falsified by its results. Undoubtedly the result did show how very uncertain such materials of judgment were, and, therefore, how unsatisfactory that system was, and that state of the law, which exposed men on the one hand to grievous loss; or, on the other, to imputations such as those which have now been cast upon me. Had I died during the first four years of my incumbency, the former would have been my lot. In the following three years there came those large receipts which have given the foundation for these charges. At the end of seven years the receipts from my see averaged 7,482*l.*; and the average in the following corresponding period was 5,993*l.*; so that the whole average of the fourteen years was 6,737*l.*

Now, my Lords, I freely admit that the difference between this amount and that which had been contemplated as the income of my see is a large one. I freely admit that it exhibits an imperfection in the system then in force for the regulation of episcopal incomes, for which it was desirable to find a remedy. But what I am at the present moment concerned to show is only this: first, that I could not have anticipated such a result from materials in my hands at the time of my correspondence with the Commissioners; and, secondly, that when this surplus did accrue, it was one to the possession and use of which I was rightfully entitled. Now, in order to this, I assert that the difference between this result and that which both the Commissioners and myself had anticipated, is in part indeed to be ascribed to the uncertainty necessarily attaching to property of this kind. But it is in part, also, to be accounted for by a system of better management, for which, at the time of this correspondence, I did not know that there was either the occasion or the means. I think I can give your Lordships the proof of this. I hold in my hands a letter from the steward of my manors, a gentleman of high character and ability, a barrister, whose name, Mr. Alfred Caswall, may be known to some of your Lordships in connexion with the law of copyhold property. He saw in the papers the attack which was made upon me, and, though it might not have occurred to me to apply to him—indeed, I did not know that he was in England—he immediately wrote to me of his own accord respecting it, and I will take the liberty of reading part of his letter to your Lordships:—

"Temple, June 21, 1853.

"My Lord—I was sorry on my way to London this morning to see the virulent and unfair article in the *Times* of this morning. * * * Allow me to say one or two words. I have been steward of the diocese about three months longer than you have been its bishop. As to the probable value of the copyhold portion of the estates, you could form no opinion beyond this which I had ascertained—namely, that the average annual receipts for the last seven years from one manor had been 23*l.* 5*s.* 8*d.*; and from another manor, 308*l.* 9*s.* 6*d.*; total, 331*l.* 15*s.* 2*d.* My predecessor was an aged man, who died, after a long illness, at eighty-four, and naturally had not been very active, so that the results of the first seven years of your episcopate gave to the first of these manors an average income of 120*l.* 14*s.* 1*d.*; and to the other an average income of 712*l.* 13*s.* 3*d.*; total, 833*l.* 7*s.* 4*d.* This increase could not at this time have been calculated upon. * * *

"I would wish to say that in all your dealings with me you have never interfered on the subject of fines, but have left me full authority to act according to my own judgment; and when I have thought allowances needful, I have never found you otherwise than willing to comply with my suggestions.

"Mr. Burder, no doubt, in regard to the leaseholds, can say much the same as I do, which amounts to this—that of late years all persons connected with Church property have paid more attention to its management than they did formerly. But because this has been done, is it a fair principle that existing interests should suffer? Had Mr. Burder and I been careless in our respective offices, nothing I suppose would have been said on the subject. It is simply by steady careful management that the increase was obtained; and it is a strange doctrine that a tenant for life is not to reap the advantage of his own or his agents' improvements—a doctrine no less strange than injurious to all progress. If the compact had been as it now stands by your voluntary act, that all surplus income after a fixed sum should be paid to the Commissioners, I could better have understood the article in the *Times*.—I remain, my Lord, your faithful servant,

"Alfred Caswall."

Now, I beg your Lordships to observe, that this relates to one comparatively small part of the property—the copyhold manors; and that on these you have the assertion of my steward, that the receipts were raised by better management from 300*l.* to 800*l.* in seven years; and therefore, that in this comparatively small part of the property—500*l.* a year—one-fourth of the whole surplus is accounted for on the principle of better management. The same thing in a measure no doubt applies to the leaseholds. I do not, indeed, claim any merit to myself, as if I had been personally instrumental in introducing a better management of the property. In truth, I was not in the least aware that there was any opportunity for doing so, and I have not done any such thing. But I have had trustworthy agents, and I have placed confidence in them, and I have not troubled myself about the details. When applications have been made for renewals, the properties have been surveyed by an experienced surveyor; and those who are acquainted with business of this kind will easily understand that the fact that I entered upon my episcopate at the age of thirty-six enabled my agents with less difficulty to enforce fair terms of renewal than might have been the case had I been more advanced in life. I merely instructed them always to estimate the fines on reasonable and moderate terms, and assured them that I would not be induced by any circumstances to accept other terms than those which they should advise me were due to the Church, whose trustee I was. It is, my Lords, in my power to give your Lordships proof also on this part of the subject. I hold in my hand a letter from a Gentleman, known, probably, personally to many of your Lordships—known, at all events by name, as a highly respected Member of the other House of Parliament—I mean Mr. Sotheron, Member for North Wilts. He, my Lords, is a lessee of the see of Salisbury; and, having seen this attack upon me, he has, with the courtesy of a gentleman, and the kind feeling of a friend, written me a letter respecting it, which, by his permission, I will take the liberty of reading to your Lordships:—

"51, Eaton-place, June 23.

"My dear Lord—On my return to London last night, I read the bitter article in the *Times* of the 21st, in which your transactions with the Commissioners in regard to the income of the see of Salisbury are impugned. A part of the charge set forth in that article is, that you understate the estimate of probable income which would be derived from renewals of leases held upon lives. I am one of the tenants of the see, holding under a lease of three lives, and about ten years ago one of those lives dropped. I was then called upon by your agents to pay a fine for inserting a new life in the lease, fully a third larger in amount than I had reckoned upon, judging by the experience of former renewals. I expected the fine would be set at a sum rather under 6,000*l.*; but the sum required of me was rather under 10,000*l.*, which, accordingly, after some demur, I paid, having been satisfied that although this valuation was much more favourable to the see than it had been upon former occasions, yet that it was based upon strictly accurate calculations, which I could not invalidate or reduce. If your agents dealt with your other tenants in a similar manner, as doubtless was the case on similar occasions, I cannot wonder that the income of the see, derived from such sources during your episcopate, owing to better management, should have proved much larger upon an average of years than either you or your tenants could have expected or reckoned on beforehand.—Believe me, my dear Lord, yours very sincerely,

"T. H. S. SOTHERON."

And thus, my Lords, I conceive that it is shown that a very large part, at least, of that surplus which has thus accrued in the revenues of my see, is one which, as both Mr. Caswall and Mr. Sotheron assert, I could not have expected or reckoned upon beforehand, but which is to be referred to that better management which it was the express intention of the law to promote, by giving to the bishop a personal interest in the proceeds of it during his incumbency. This is proved by Mr. Caswall's letter in the case of the copyholds; it is proved by Mr. Sotheron's in the case of the leaseholds; and therefore I assert that the surplus which has thus accrued was not one which was not rightfully my due, but one which the express provisions of this Act were designed to promote, and which the bishop was intended to retain. And this, therefore, is my answer to that part of the charge which relates to receiving and retaining a large sum more than that which was rightfully my due.

But another part of this charge refers to a "selfish malversation of funds dedicated to the highest purposes;" and I must, therefore, however reluctantly, crave permission to say a few words as to this. My Lords, I am conscious of many and grievous faults. I look back upon the long years of my ministry, and see sad shortcomings and painful deficiencies. May a merciful God pardon me for them! But of an avaricious love of money, or of a selfish expenditure of it, my heart and conscience do not accuse me. I believe that the revenues of my see, of whatever amount, being rightfully dedicated to the highest purposes, have not been selfishly diverted from them. I believe that this surplus was, in my hands, made not less instrumental in promoting the cause of true religion, and the ministrations of the Church, than if it had been paid over to the Commissioners. I am sure at least of this—that it has not been either hoarded for myself or my family, or spent for my personal gratification. I have been Bishop of Salisbury for sixteen years, in possession of these revenues, and I can truly assert that I have not from the income of my see saved a single shilling. While at no former period of my life, neither when I lived as a Fellow of a College, nor when I was incumbent of a small benefice in the country, have I found it so impossible, or have I been so little willing to spend money in the gratification of personal tastes. Were I to die to-morrow, my family would have no other provision than that arising from my and their very small private means, and such moderate addition thereto as I have felt in my duty to make by insurance on my life. My son will inherit only this patrimony; but I hope that I may add that, in spite of calumnies such as these, he will have also that which I trust he will value above hoarded wealth—the inheritance of a father's unblemished name.

I have now, my Lords, disposed of the two points of which this charge consists. I know that I have trespassed very long upon your Lordships' patience in doing so; and I believe that I might safely leave the case at this point in your Lordships' hands, and trust to you to do me justice respecting it. But there is yet one more point to which it is necessary that I should advert in order to the completeness of the whole; and I the rather wish to explain this point, because it is one which my assailant, be he who he may, may possibly be ignorant of, and I am willing and desire to believe this is the case; for had he known it, he could hardly, I think, have done me the wrong of which I now complain. I said, my Lords, that this is not any new business. It relates to a correspondence which took place sixteen years ago—sixteen years ago, my Lords! a long time this to go back to rake up charges such as these, even if there were ground for them. But, my Lords, not only this; but six years ago these same charges were brought forward by an hon. Gentleman in the House of Commons, Mr. Horsman; and I replied to him at that time in a letter, which was published in the papers of the day. In that letter, after vindicating my position in respect of this income under the existing law, I went on to say, "I am very sensible of the inconvenience of the existing mode of regulating the Episcopal incomes, and I shall be very glad if any arrangements can be adopted by which these inconveniences can be avoided, and which shall not be open to other and greater objections." At that time there was no other mode that could be adopted. The existing arrangements were established by law. One bishop might lose under them; another bishop might gain; but neither had any possible means of remedying this, however much it were wished. But two years after this time, in the year 1850, a new law was passed, by which it was enacted, that all bishops appointed after that time should have fixed instead of fluctuating incomes; that, instead of the charge being fixed, and the income left to fluctuate, the income should be fixed, and the surplus, if there was one, be paid over to the Commissioners, or the deficiency, if such arose, be made good by them. And while this law was made imperative upon all bishops appointed after that time, existing bishops were permitted, should they wish, to adopt the same regulations. No sooner, my Lords, did that law pass, than I at once signified my intention of placing myself under its provisions. I was, I believe, the first of my right rev. Brethren who did so. I see that the noble Earl the First Estates Commissioner (the Earl of Chichester) signifies by his assent that this was the case. I announced this intention in person to the Secretary of the Commission, when at the close of that year I sent in my septennial return. I repeated it to the noble Earl and his Colleagues at a meeting I had with them shortly after; and I then formally placed my offer on record in that letter, for the production of which I am about to move, and which, in conclusion, I will take the liberty of reading to your Lordships:—

"40, Chesham-place, July 18, 1851.

"My dear Sir—Though I signified to you personally early in February of the present year my intention of proposing to the Ecclesiastical Commissioners to enter into the arrangement for receiving a fixed income under the Act of last year, and I afterwards formally announced this willingness on my part in an interview with the Estates Committee, it appears to me desirable to record in writing the circumstances under which I make this proposal, in case any question should at any future time arise respecting it.

"It appears by my return that the average net income of my see for the last seven has been	£5,993
"That for the previous septennial period it was	7,482
	2)13,475
"Average of fourteen years . . .	£6,737

"I believe that the difference between this result and that which was anticipated at the time of my entrance upon the charge of the diocese of Salisbury is to be attributed in part to the want of accurate information respecting the revenues of the see at that time, and in part to an improvement in their value, arising from a more careful and exact management of the property during my incumbency.

"It was the object of the Act 6 & 7 *Will.* IV., c. 77, to give the bishop a pecuniary interest in such management, by securing to him during his incumbency the enjoyment of any increased income which might arise from it; and it was on this ground that the Commissioners of Inquiry stated in their third report, bearing date May 20, 1836, that the arrangements in this respect proposed to be established by that Act appeared to them 'less open to objection than any other that had presented themselves,' in spite of some obvious inconveniences inevitably attending them.

"Since that time the general opinion on this subject appears to have undergone a change, and this change has at length been marked by the provision in the Act of last Session, which determines that bishops hereafter appointed shall have fixed instead of fluctuating incomes, and makes it lawful for the Ecclesiastical Commissioners to enter into arrangements for the same purpose with such existing bishops as may signify their willingness to do so.

"It is my object in this letter to record this willingness on my part, and to signify my consent to receive in future a fixed income of 5,000*l.* per annum, in lieu of that which I might otherwise derive from the revenues of my see.

"In making this proposal I do not wish to offer any opinion as to what the future receipts of the see may be expected to be. I leave the commissioners to exercise their own judgment as to this from the materials which they now have in their hands, only adding that if they should wish for any further information as to the existing leases of the property of the see, I shall be happy to supply it. "E. SARUM.

"J. J. Chalk, Esq."

My Lords, I have now done; and, although I fear that I have trespassed too long upon your Lordships' patience, I must add that, though I have not the right to ask your Lordships for any expression of your opinion, if there be any one of your Lordships who feels a doubt as to any part of my statement, and would have the goodness to put to me any questions respecting it, he will add thereby to the load of obligation I have already incurred. It has been my object to show—

First: That the Commissioners, to my correspondence with whom these charges relate, were a body of whom I was not one; that they were principally laymen of high station; that they were all, with one exception, persons with whom I had not any special relations whatever of friendship or intimacy.

Second: That for the decision they came to they alone were responsible, while I, in a position of controversy with them presented to them such arguments and considerations as I was rightly entitled to advance.

Third: That if the result was different from both their expectations and my own, this is mainly to be ascribed to that improved management for which it was the object of the law to give occasion. I have proved this in respect of the copyholds by Mr. Caswall's letter. I have proved it in respect of the leaseholds by Mr. Sotheron's.

Fourth: I have asserted what, had it been fitting, I could have proved, that I have not selfishly perverted from sacred purposes the funds I not wrongfully, but rightfully, retained.

Fifth: I have admitted, nevertheless, that the law which made such imputations possible was in itself bad; but I have proved my sense of this by taking the earliest opportunity of placing myself under the new regulations in this respect. At the age of fifty I have resigned voluntarily an income which has averaged to me for fourteen years 6,737*l.*, and which I could legally and equitably have retained; and I have accepted in lieu thereof the fixed income of 5,000*l.*, which the law has assigned to my successor.

My Lords, this is my case. I thank you from my heart for the opportunity you have given me of stating it; and I leave it, I hope not with presumption, but yet I will say with the confidence of conscious integrity, in your Lordships' hands.

The right rev. Prelate concluded by moving—that the Letter of the Bishop of Salisbury to the Ecclesiastical Commissioners, of 18th July, 1851, be laid before the House.

Motion *agreed to.*

SEQUESTRATION OF BENEFICES.

Lord BERNERS *presented* a petition from 3,560 householders of Camberwell, complaining of the evils they are suffering from the law of sequestration for debt as applied to benefices, and praying a remedy for the same. The noble Lord stated that the living of Camberwell was formerly possessed by the Rev. J. H. Story, who contracted debts, as was shown when he appeared before the Insolvent Court in 1851, amounting to 51,376*l.* The consequence had been that the living was sequestrated and was without an incumbent, the only spiritual ministration being that of some curates attached to the different districts, who received a very small stipend. This was a very discreditable state of things, and he trusted that some remedy would be applied to so crying an evil.

The Archbishop of CANTERBURY said, that the right rev. Prelate in whose diocese the parish in question was situate, had already that evening, with reference to this petition, expressed his opinion that it would be a great boon to the Church and the clergy if some remedy was applied to the evils which the noble Lord had pointed out. That, however, could not be done without an entire alteration in the law relating to Church property. He hoped, however, that cases of this sort were merely exceptional. With regard to the parish in question it should be remembered that it was divided into ten districts, each of which was provided with clergymen.

The Bishop of LONDON said, that no one would be more anxious than the bench of Bishops to remedy the evil complained of; and on more than one occasion they had tried to do so; but the moment they proposed any plan for a better provision for the spiritual wants of parishes, they were met by their noble and legal friends on the ground that they were interfering with the property of the Church. No doubt there were great difficulties in dealing with the question; but he could assure their Lordships that no one could be more aware of the evils attending the sequestration of livings than the Bishops were, and the subject should meet with their attention; they could not hope to succeed unless they had the assistance of the noble and learned Lords who were acquainted with the law.

Lord ST. LEONARDS said, the evil complained of required a remedy, and the subject was one well worthy the attention of Government. With regard to the remarks of the right rev. Prelate who had just spoken, as to objections taken to any alteration of the law by noble and learned Lords, on the ground that there would be an interference with the rights of property, he would say that if you made a retrospective law with regard to sequestration, you interfered with the rights of property. But the right rev. Prelate seemed rather to think it would affect the rights of the patron, which was not the case, as all his rights of property in a living ceased on presentation; and the question then really was between the incumbent and the parishioners. The sequestration of livings was clearly a perversion of funds which ought to be applied to religious purposes; and if creditors possessed this right, the effect was to deprive the parish of the incumbent, and leave its ministration entirely to curates with very small stipends. The law also wanted amendment in the case of clergymen suspended for misconduct, when the effect was the same. If any measure on this subject was brought forward by the right rev. Bench, he was sure it would meet with no opposition from the law Lords, and he would give it all the assistance in his power.

LORD CAMPBELL thought the greatest evil resulted from the sequestration of the wages of the actual working clergy of the country, and being exceedingly anxious to see the law on the subject altered, would be happy to co-operate with the noble and learned Lord (Lord St. Leonards) in rendering to the Government any assistance in his power.

The EARL of WICKLOW felt very strongly the evil of the system. He could state that in the part of Ireland in which he lived since he had been a boy, the successive deans of a certain deanery had been unable to perform the duties of their office in consequence of debts they had contracted, although they possessed large revenues. He hoped there would be some amendment of the law.

Petition ordered to lie on the table.

FUNCTIONS OF THE IRISH CONSTABULARY.

LORD MONTEAGLE rose to move for the appointment of a Select Committee to consider the consequences of extending the functions of the constabulary in Ireland to the suppression or prevention of illicit distillation. He rejoiced to say, for the sake of their Lordships, as well as for his own sake, that it would not be necessary to detain them at any length, because from a communication he had received from the noble Earl at the head of the Government, he had reason to believe that there would be no opposition to the Motion. This was a question not only relating to the constabulary force—a force of about 12,000 or 13,000 men, maintained at a heavy expense—but it was also connected with the administration of criminal law in Ireland. He would not wish to throw any difficulty in the way of Her Majesty's Government in collecting any branch of the revenue; but he felt himself compelled to call upon the Government to pause before taking a step which might impair the efficiency of that valuable force, for that would be a far greater sacrifice than any slight loss from the excise duties. He proposed that the inquiry should be assisted by a public officer who had had experience in Ireland; and he would impress upon their Lordships that it was most desirable that an inquiry should take place, and that the question should be finally settled in order to save the time of Parliament, because, if a false step were taken, there was no question more prolific of discussion than that of the Irish constabulary. He asked for this Committee, not on any consideration connected with any branch of the revenue, but solely to consider what would be the effect upon the constabulary themselves of being employed in its collection. He hoped that their Lordships would not consider the subject to be of little importance because he had spoken so shortly upon it; but he felt reluctant to occupy their Lordships' time, and he should conclude by submitting his Motion to their Lordships.

The EARL of ABERDEEN was of opinion that the subject was a fitting one for a Committee to inquire into, inasmuch as there was a great difference of opinion among persons who were best informed upon the subject. The Government could have no other desire than to come to that conclusion which might be most beneficial for the collection of the revenue, and the most consistent with the preservation of the efficiency and the morals of the constabulary force.

The EARL of DONOUGHMORE expressed his satisfaction that the noble Earl at the head of the Government was willing to agree to the appointment of a Committee. The subject was one which to him seemed to require grave consideration.

Motion *agreed to.*

THE SIX-MILE BRIDGE AFFRAY—CLARE ELECTION RIOTS.

The **Earl of CARDIGAN** said, that in rising to put the question to Her Majesty's Government of which he had given notice, he should take the liberty of addressing a few observations to the House. His question had reference to the intentions of Government with regard to the prosecution of certain priests connected with riotous proceedings at the late election for the county of Clare; and, at the same time, he should move for copies of a correspondence which was supposed to have recently taken place between the noble Earl at the head of Her Majesty's Government and certain Roman Catholic Gentlemen, with reference to their resignation of office in Her Majesty's Government. It appeared to him that the question of interference on the part of the priests at the late Clare election afforded a fair opportunity to submit to the Government whether it was not expedient that the law with regard to the conduct of troops called out to assist the civil power, should be more defined and rendered less ambiguous than it was at present; for it seemed that although for many years the law of the case, as laid down by those great Judges, Lord Ellenborough and Chief Justice Tindal, had obtained, yet on a late occasion, an Irish Judge (Mr. Justice Perrin) delivered a decision which completely reversed the law as it previously stood; and which decision, if acted upon, would certainly place the military, on all future occasions, in a most embarrassing, if not dangerous, position. He would, however, pass to a more important subject, and would ask the noble Earl opposite (the Earl of Aberdeen), what were the intentions of Government with regard to the prosecution of the two Popish priests who had been reported by a Committee of the House of Commons to have exercised an influence at the late election for the County of Clare which was destruction of the freedom of election. He thought their Lordships would be anxious to know whether the solemn declaration made by the noble Earl at the head of the Government, when he said that "whether the individual were soldier or priest, peer or peasant, no matter who the man was that transgressed the law, legal proceedings should be taken against him with the strictest impartiality"—he thought their Lordships would be anxious to know whether that declaration would be adhered to or not. Their Lordships were doubtless aware that some of those unfortunate soldiers engaged in the Six-mile Bridge affair, had been, by the ingenuity of the Irish Attorney General, twice put upon their trial, and twice acquitted. Therefore, he was anxious to know whether the Popish priests—who had excited the outrage against the military, and who had been the cause of having them subjected to severe penalties, and placed in the felons' dock as murderers—would be dealt with? It was of the greatest importance that they should have a clear and undoubted answer from the Government with regard to the course they were inclined to adopt. That importance was enhanced by the course taken by the noble Lord the leader of the House of Commons; who had lately broached principles of so sound a Protestant character as to entitle them to the admiration of the people of this country. Well, after that declaration by the noble Lord—who possessed talents, experience, and character, and who had more than once held the high position of Prime Minister—a letter appeared, of which he (the Earl of Cardigan) was anxious to see an authentic copy, which stated that, whatever might be the opinions of the noble Lord (Lord John Russell), they were not shared in by the majority of his Colleagues. Now, by that it appeared a want of harmony and a difference of opinion prevailed in the Cabinet; and therefore he thought they were the more entitled to a clear and positive answer to the questions which he was going to put. He could not help thinking that the present was, above all other moments, the time most necessary to give a clear explanation to the Protestant community of this country; because, in his humble opinion, he did not think the Protestant Church Establishment of this country and Ireland wes ever surrounded with so much danger as at present. The Legislature had lately passed a measure which appeared to him the most dangerous and injurious of any he had ever known to the institutions of this Protestant country. They had broken down for the first time that barrier which surrounded the Protestant Church Establishment of this country, by authorising the secularisation of Protestant Church funds to the alien purposes of State endowment—perhaps for the endowment of hostile religions. Under all these circumstances he hoped the Government would see the necessity of dealing with this practice of priestly interference in public elections. Because, unless some decisive course was taken, it was perfectly clear that the Popish priests, if permitted to use their influence, would prevent the election of any persons except such as were sworn to the destruction of the Protestant interests of this country. He trusted their Lordships would not be told that the local Government of Ireland had taken the matter into consideration, and were preparing to come to a decision upon it. He trusted it was well considered by Her Majesty's Government, and that the noble Earl opposite would be able to give a decided answer as to the course to be adopted. The question he had to put was—whether it was the intention of Her Majesty's Government to prosecute the two Roman Catholic priests implicated in the riots at the last election for the county of Clare? And his Motion was—

> "That there be laid before the House a copy of a correspondence which lately took place between the Prime Minister and certain Roman Catholic Gentlemen with reference to the resignation of their offices."

The Earl of ABERDEEN said, their Lordships might, perhaps, be aware that in a very short time—he believed next week—a fresh election would take place for the county of Clare. How far the proceeding of the noble Earl might affect the order and tranquillity of that election, he would not undertake to say; but he hoped that it would have no tendency to disturb that order and tranquillity, however excited the state of the country might be. Of this, however, he had the satisfaction of being able to assure their Lordships, that the precautions taken by his noble Friend at the head of the Irish Government were such as to insure tranquillity. The noble Earl seemed to imagine that some difference had taken place in the intentions of the Government in respect of the prosecution of the priests. There had never been any concealment on this subject, or unwillingness to answer questions. The matter remained now exactly as it did in the month of March last, when it had been fully discussed in that and the other House of Parliament. The Government had then declared and given reasons why they did not consider it expedient to institute any prosecutions against the priests to whom the noble Earl referred; and the Report of the Committee of the House of Commons did not affect the question in the least degree. The Committee of the House of Commons reported respecting the conduct of those two priests; but that Committee did not, as it might have done—or what any Member of the other House might have done—move that the Attorney General be directed to prosecute those priests for interfering with the freedom of election in that county. The case, therefore, was not altered at all so far as the Government were concerned. So much was this the case, so clearly was it understood and admitted that the prosecution of these priests would be most improper and unwise, that the learned Gentleman in another place who accused the Attorney General for Ireland, with an acrimony rarely observed between members of the profession, had never thought of recommending the prosecution of these priests; and when they were urged by another learned Gentleman to assert that if they were in office tomorrow they would proceed against those priests, they had not had a word to say. No man could venture to do anything so unwise or so imprudent as to suggest such a course as was proposed by the noble Earl. The noble Earl had referred to the declaration which he (the Earl of Aberdeen) had made in that House, and which he was quite ready to repeat—that it was the intention, and the firm intention, of the Government to administer justice in Ireland with the most perfect impartiality, whoever might be the parties implicated, or whatever might be their rank. When he was asked whether it was the intention of the Government to prosecute those priests, in the first instance he had answered that it was; and although it was a matter of comparative unimportance whether a priest more or less was prosecuted, yet, as he thought it of very great importance that the conduct of Her Majesty's Government should be free from all suspicion, he would now state the reason why he had said that such was the intention of the Government. On the day preceding that on which the question was put, the matter was considered fully by the Cabinet, and they came to the unanimous opinion that both the soldiers in question and the priests should be prosecuted. Then, knowing as he did that his noble Friend the Secretary for the Home Department had on the previous day given instructions that this course should be pursued, their Lordships would forgive him if he said that he was entitled to give the answer which he had given. Well, those instructions were forwarded to the

Lord Lieutenant; but he, exercising that sound discretion with which every person invested with such high responsibilities must be supposed to act, and consulting with the law authorities of the Crown in Ireland, determined—not from any political motive, but from reasons founded on professional grounds, and from regard for the due administration of justice—that the prosecution of those two priests would not be advantageous for the due and proper administration of justice; and, desirous as he (the Earl of Aberdeen) had been to carry out the pledge which he had given, he could not help assenting to the propriety of the views which were advocated by his noble Friend and the law officers of Ireland. Now, as the noble Earl had introduced the subject, he (the Earl of Aberdeen) thought it would not be an unfitting opportunity to give their Lordships a narrative of the case to which he referred, and of the reasons which induced the Irish Government to deviate from the instructions which had been forwarded to it. The difficulty of the question, both as regarded those under accusation and the priests, had been greatly increased by the course pursued by the late Attorney General for Ireland—he must say the blunders committed by that learned Gentleman. It might appear a strong thing for an unlearned person like himself to talk of the blunders of a Gentleman learned in the law; but when he saw the opinion which had been pronounced by the Court of Queen's Bench, he felt himself entitled to say so. Their Lordships were aware that this riot took place in the month of June or July last, in the county of Clare; that the soldiers were compelled to fire; and that seven or eight persons were killed. A coroner's inquest sat on the case, and the jury brought in a verdict of wilful murder against the soldiers. This verdict was entirely unsupported by sufficient evidence; that was the opinion of the Attorney General, and, had he thought proper, he might have put an end to the prosecution by entering a *nolle prosequi*, and so have stopped all proceedings. But what did he do? He transported the case to the Court of Queen's Bench, and called on the Judges of that Court to quash the verdict in consequence of the insufficiency of the evidence produced. But what did the Court say? They considered the matter very fully, and heard it argued at great length, and with much learning, and they came to this conclusion. They said—"We are called upon to quash the verdict, not from any alleged misconduct of the coroner, but from the alleged insufficiency of the evidence. But no reported case has been found, and neither in this country, nor upon search in the Crown offices in England, can any instance be found of the fact of the actual exercise of such jurisdiction to quash an inquest for insufficiency of evidence. Having no precedent for our guidance, we are bound to consider the consequences implied in such a case; and to do so not only in regard to the individuals concerned, but also as regards the interests of public justice and the due administration of the law." That decision was, he thought, practically a censure upon the learned Gentleman, who made an application for which there was no precedent, and which was accordingly rejected by the highest authority. This was the state in which the case stood when the learned Gentleman went out of office, and handed over the matter to his successor. Now, how did the case stand after this judgment in the Court of Queen's Bench? Why, to a certain degree, the verdict of the coroner's jury was confirmed by that judgment. The Attorney General of the present Government, then, finding the question in this state, thought that the best course would be, not to put the soldiers on their trial at once, but to prefer bills against them before the grand jury. He did so, and their Lordships would admit that in the position in which the case was at the time he could do nothing less. But then came the question of the priests. Now, one of the priests had been a principal witness against the soldiers on the inquest; and he was, therefore, brought as a witness before the grand jury who had to inquire into the matter. It had been said that the Government were wrong in bringing this priest as a witness; but what would have been said if he had not been brought forward? Surely it would have been said that the most important testimony had been suppressed. But this priest was under a sworn information for a riot. Well, but that was a course which had not been adopted until some time after he had given evidence on the verdict. It was, moreover, a course that was open to much suspicion, for it was rarely that a cross prosecution of this kind was got up. The priest was sent as a witness before the grand jury, who, as might be expected, ignored the Bill against the soldiers; and he (the Earl of Aberdeen) had no doubt that the grand jury did perfectly right. After that the Attorney General merely put one of the soldiers on his trial, as a matter of form; no evidence was brought, and the acquittal of all was thus secured. But then it was said, "Why not prosecute the priests?" Why, for this reason, it was contrary to the manifest dictates of justice and universal practice that a man who had given evidence against parties who were placed on their trial should be turned into a culprit and tried himself. Such a course would be perfectly unprecedented. It was said this was part of a system of yielding to the influence of the Roman Catholic priests in Ireland. He could not help smiling at the absurdity of such a notion. However, if the noble Earl had any thirst for the prosecution of priests, he could be indulged in the sport, for at the last assizes several Popish priests were prosecuted for offences more or less of a similar nature, and undoubtedly as many would be prosecuted as laid themselves open to it. He did not dispute that the noble Earl was a very zealous and devoted champion of the Protestant faith. At the same time, he hoped the noble Earl would give him credit for not being entirely indifferent to the welfare of the Protestant Church and faith. He did not profess to have the same ardour as the noble Earl had shown, but he hoped he had quite as much sincerity. Before leaving this branch of the subject, and in order to show that their Lordships ought not to adopt too hastily the notion that the Government wished to yield to the influence of the Popish priests, he might recall to their recollection an accusation made last week by a noble Marquess opposite against the Lord Lieutenant of Ireland for truckling to priestly influence by releasing from prison several persons who had been convicted of certain offences. On that occasion the noble Earl who stood at the head of the late Administration was obliged to confess—what no doubt was not a very pleasant confession for him to make—that there was not the least foundation for that accusation; and their Lordships might believe that the charge of yielding to priestly influence was equally groundless. He came now to the subject of the correspondence which the noble Earl requested him to produce. Of course, it could not be with the least desire of concealment that he objected to the production of that correspondence, because it had already been published; but he thought its production a precedent that was open to great objection. In the first place, it was not a correspondence of a public nature—it consisted of communications which had passed between himself and another Member of the Government, and which the latter had thought fit, for his own satisfaction, to make public; but it was not in the nature of such an official correspondence as could reasonably be called for by a Member of that House. As for the substance of that correspondence, it was a matter which could more fitly be dealt with in the other House; but there it was not thought worthy of occupying attention, save in the way of a passing jest on the part of an Irish Member. Now, no doubt, he had the highest admiration and the greatest personal regard for his noble Friend who was the representative of the Government in the House of Commons; but that was no reason why he should bind himself to adopt his opinions upon all subjects, or the reasons by which he arrived at the same conclusions with himself upon public matters in which they concurred. If, indeed, they had differed in their opinion as to the measure then under consideration, that would have been a serious matter; but there was no cause for wonder in the circumstance that they should have differed in their reasons for the same mutual conclusion. He had no doubt that the noble Earl opposite and his *alter ego* in the other House, had not always agreed upon all matters, and indeed upon this very subject; and with reference to one of the gentlemen in question, he thought there had been some little difference of opinion between them. The subject under consideration at that time was the preservation of the temporalities of the Irish Church. His noble Friend and he perfectly agreed in desiring to preserve those temporalities. His reason for desiring to do so was the piety, learning, and exemplary conduct, and the legal right of the parties interested. He did not think it was any reason for the preservation of the temporalities of the Irish Church whether the Roman Catholic priests were disloyal or not, or whether or not they were engaged in a Jesuitical conspiracy against the liberties of mankind. That was not a reason which influenced him. It might have influenced his noble Friend, as well as others; but at least they agreed—cordially agreed—in the result at which they both arrived, and that was as much as could be expected from the Members of any Government. He did not know that there was anything else worth answering in the speech of the noble Earl. He had told him that it was the intention of the Government to adhere to the course which hon. and learned Gentlemen elsewhere never thought of impugning—namely, the non-prosecution of these priests. He said nothing of the propriety of their prosecution at the time; but now nobody ever thought of such a step. Four months ago he expressed his opinion upon the subject in that House, and he saw nothing in the Report of the Committee of the House of Commons—who, by the way, were the proper parties to deal with the matter—which should at all change the position occupied by the Government. As there seemed to be a disposition on the opposite side of the House to suppose that there was an unfair leaning, on the part of the Government, towards the Roman Catholic priests and party in Ireland, he again rejected, with the utmost disdain, the notion that there was any foundation for such a charge. He should never be afraid to do justice to or upon a priest because he was a priest, nor should he allow himself to be influenced by such considerations as those to which the noble Earl had adverted. He hoped, that, although he professed to be as sincere a friend of the Protestant Church as the noble Earl or any one else could be, his own private religious convictions and feelings would not be incompatible with the utmost love and charity for his Roman Catholic fellow-subjects. He had always maintained that sentiment, and would always endeavour to maintain it, despite the groundless and absurd imputations which might be thrown out against him.

The **Earl** of DERBY said, that with respect to the correspondence which formed the ground of his noble Friend's Motion, he apprehended that that subject had been introduced by his noble Friend rather for the purpose of placing himself and the House in order in discussing the matter, than from any desire that their Lordships should obtain papers which they already possessed, and with the contents of which they must already be familiar. The production of the papers was not necessary to show that between the Members of Her Majesty's Government, and more especially between the noble Ear lat its head, and the noble Lord the leader of the other House, there prevailed a very wide difference of opinion, however they might act together, on the particular question to which the noble Earl had referred. Nevertheless he should say that that correspondence was one of the most singular that it had ever been his lot to behold. It was not very usual to see Gentlemen resigning office on account of the language held by the principal Member of the Government in one House; and it was still less common, after their resignations had been tendered, to see the First Lord of the Treasury repudiating, and rejecting, and apologising for the language of his Colleague, and humbly entreating those Gentlemen that, inasmuch as he and other Members of the Cabinet did not share in the opinions of his noble Colleague—humbly entreating them to be kind enough to withdraw their resignations. He was happy to think that that was not an ordinary, and he should further say that he did not think it was a creditable, correspondence. But with respect to its production he should say, that as they had all had an opportunity of reading it in the newspapers, he considered that that was a matter of the most entire indifference; and he presumed that his noble Friend had no desire to press his Motion. He should not have risen at all upon that occasion had it not been that he felt it incumbent on him to follow the noble Earl in some parts of the extraordinary statement he had made, and he hoped he might be permitted to add, of the not less extraordinary arguments by which he had supported that statement. He rejoiced to find that Her Majesty's Government had at length thought it right to assign the reasons for their not having prosecuted not only the two priests, but also the other rioters included in the informations which had been taken at the time. His noble Friend, on a former occasion, when he had moved for the production of the papers in the Six-mile Bridge case, had abstained from entering into the merits of the question; and to the best of his (the Earl of Derby's) recollection Her Majesty's Ministers had at that time invited a discussion of the subject at a future day, after the papers should have been submitted to Parliament. There was a circumstance which gave peculiar fitness to the present moment for entering into that discussion; and that circumstance was the fact, that whereas there might have been previously some question how far the priests had, in point of fact, been guilty of the offence imputed to them, that imputation had received a strong corroboration from the fact that the transactions connected with the election in question having been referred to a separate and wholly distinct tribunal, that tribunal receiving evidence on oath, had actually gone out of their way for the purpose of declaring that the priests in question had been guilty of the offence of inciting the people to riot at the last election for the county of Clare. Fortified, therefore, by the evidence taken before that Committee, and the judgment at which they had arrived, his noble Friend came forward, and, adverting to the previous course pursued by the Government, impugned the justice, the policy, and propriety of that course. He must be permitted further to say, that, notwithstanding the noble Earl's contemptuous language about the disdain with which he treated a certain assumption—he must be permitted to say—and the noble Earl must be perfectly aware that among a very large portion of Her Majesty's subjects there prevailed a belief—a belief which he confessed was not wholly unparticipated in by himself—that there existed on the part of some Members of Her Majesty's Government a desire to lean unduly in favour of acts committed by the Roman Catholic priests, and the Roman Catholic population of Ireland, who were under the influence of these priests—to look with extreme indulgence on any excesses into which they might be led, and to carry on that most dangerous of all dangerous experiments, the experiment of conducting the administration of Irish affairs through the Roman Catholic priests. Even at the risk of exposing himself to the disdain and contempt of the noble Earl, he should frankly say that he believed that was the leaning and tendency of no inconsiderable portion of the Members of the Government, and if the noble Earl compelled him to say so, he should include in the number the noble Earl himself. The noble Earl had entered into what he had called a narrative of the proceedings connected with the trial of the soldiers in that case, and the non-trial of the priests, and the noble Earl had told them that he would be able to prove that he had at all times been as ready to do justice on a priest as by a priest. He wished the noble Earl had been able to show that he had at all times been equally ready to do justice upon priests. But he (the Earl of Derby) would venture to say that the course which had been pursued under the authority of Her Majesty's Government in this case was inconsistent with that declaration, although he did not hesitate to add that he believed the noble Earl had sincerely stated that it was his wish to act impartially with regard to all classes of people in Ireland. The noble Earl had told them that the day before he had made his statement to the House upon that subject, there had been a consultation in the Cabinet with respect to those prosecutions, and that they had come to the unanimous determination that it was right to prosecute the priests, and, together with them, as he (the Earl of Derby) presumed, the other rioters who had been involved with them in the transaction. But the case had, according to the noble Earl, been referred to the Lord Lieutenant of Ireland, and that noble Earl, in the exercise of that discretion which nobody would seek to withdraw from one in his high position, had thought fit to pursue a course of his own in the matter. Now, if they were to believe, as, of course, they did, the Attorney General of Ireland, the course of not prosecuting the priests was taken, not only not under the authority, but even without the knowledge, of the Lord Lieutenant; for he declared in the court, on the trial of the soldiers, that for the course which had been adopted he was himself individually and solely responsible; that he acted on his own authority and discretion; and that no human being, up to that moment, had known of the course he was about to take. He (the Earl of Derby) had great respect for the discretion of an officer so responsible as the Lord Lieutenant; but he must be allowed to comment freely on the discretion of the Attorney General. He must be allowed to say, that he did not think it right that the responsibility which had been claimed for himself by the Attorney General, should be thrown upon another quarter; neither did he think it right that, after the Minister, having taken the unanimous opinion of the Cabinet, had announced to Parliament the intention of pursuing a particular course, the adviser of the Crown in Ireland, on his own discretion, should set aside the unanimous decision of the Cabinet; and, least of all, that that decision having been so set aside, the noble Earl at the head of the Government should not come down to Parliament and take the first opportunity of telling them that his pledge had not been acted upon, and would not be acted upon, and giving them the reason why. Before proceeding further, however, he should observe, that the noble Earl had certainly surprised him when he had said that the late Attorney General for Ireland had commented on the course which had been pursued by the Government in terms of unusual acrimony. He was not aware any terms of unusual acrimony had been used by his right hon. and learned Friend. [The Earl of ABERDEEN here made an observation.] He should be glad to find that the noble Earl disclaimed any intention of imputing any such language to his right hon. and learned Friend; and he was sure that any one who knew that Gentleman must be aware that in his whole nature and character there was not a single particle of acrimony, and that no one had ever heard him use a single unkind expression with regard to any human being. But the noble Earl had said that the course of the Government in that matter had been embarrassed by the proceedings of their predecessors. Now, he (the Earl of Derby) was at a loss to conceive any ground for such a statement, and he should observe, that the noble Earl had subsequently corrected himself and had told them that the result of these proceedings had been to leave matters precisely on the same footing as they originally were. The noble Earl had commented on the course which had been pursued by the late Attorney General in making application to the Court of Queen's Bench to quash the verdict of the coroner's jury against the magistrate and the soldiers. Now, the fact was, that there was only one opinion that the finding of the inquisition in that case was contrary to law as well as to the evidence; but the Court declined to accede to that application, and they declined, not upon the ground that the evidence was or was not sufficient, but solely upon the ground that they had no jurisdiction to interfere in a case which did not involve any flagrant violation of the duty of the coroner. Under all the circumstances of the case he did not find fault with the Government for having sent up to the grand jury the bills against the magistrate and the soldiers; for perhaps, considering all the circumstances of Ireland, and considering, moreover, that if the Government had not taken it upon themselves, the prosecution might have fallen into the hands of parties who would have been less scrupulous; but he felt bound to say, that their subsequent course of proceeding was altogether indefensible, and, moreover, that that course of proceeding at the time, and under the circumstances, combined with their appointment of the law officers of the Crown, had had a tendency to confirm the belief to which he had adverted, that the Roman Catholic priests were a set of "chartered libertines," who might take any course which they might think fit, without any fear of being visited with the consequences which would attach to the rest of their fellow-subjects. The noble Earl had said that the informations against the priests and the other rioters had not been taken until after the verdict against the magistrate and the soldiers had been found by the coroner's jury; and he had added, that those informations had been got up as a sort of cross case, for the purpose of obstructing the administration of justice. But the real reason for not having taken the informations at an earlier period, was directly the reverse of that which had been stated by the noble Earl. The real reason for that course was, that it was thought desirable that nothing should be done to prejudice the finding of the jury before the conclusion of their labours. Let the circumstances of the case be remembered. Let it be remembered that in that case there had been a very severely contested election; and let it be remembered that at that election the main question on which the whole proceedings had turned, had been the power which was or was not to be exercised in Parliament by the Roman Catholic priests, through their "representatives" in the House of Commons. He said, through their "representatives," because one of the Gentlemen who had been returned under their influence was supposed to have stated, with more candour than discretion, that in point of fact, in the case of Roman Catholic constituencies, when a writ was sent down for the election of a Member, that writ was, in point of fact, addressed to the only real and true constituency, the bishops and clergy of the Roman Catholic Church. In the course of the election proceedings, riots and disturbances took place; voters going to the poll were attacked by large mobs; the soldiers who had been sent to protect the voters were treated with disgraceful violence, and received serious injuries in consequence; it was alleged, and not denied, that at the head of the mobs who so attacked the Queen's troops were two Roman Catholic priests, who by their gestures and voices incited the mob to violence; that in consequence of the violence so excited by these Roman Catholic priests, a most lamentable loss of life took place, for, the soldiers having fired in self-defence, the result was that a considerable number of persons were shot; and the case having necessarily come before a coroner's jury, that jury returned an extraordinary and monstrous verdict of murder against the soldiers. The noble Earl had promised to tell their Lordships the reasons why the original intention of the Government with regard to prosecuting the priests and the other rioters had not been carried out; but the fact was, that the noble Earl had confined himself to the reasons why they had not prosecuted one particular priest. And here, before going further, he begged to protest against the monstrous doctrine which the noble Earl had promulgated—namely, that if once the name of a person was placed, necessarily or unnecessarily, on the back of a bill, and went before a grand jury as a witness, that person, whatever might have been the crimes which he had committed, was to be held for ever after indemnified from the consequences of those crimes. But he had no hesitation in expressing his belief that the doctrine which had been laid down by a high authority, with respect to the duties of soldiers engaged in enforcing the law, rendered it necessary that the real character of these duties should receive some further explanation, and that soldiers ought not to be exposed to the risk of being dismissed, on the one hand, for disobeying the orders of their officers; while they were exposed, on the other hand, to the risk of being found guilty of murder if they obeyed those orders. Informations, as he had already stated, had been taken against two Roman Catholic priests, and seven or eight other persons, for their conduct during that riot. Why, he would ask, had not those priests been prosecuted? The noble Earl had told them that proceedings could not be taken against one of those priests, because he had appeared before the grand jury as one of the witnesses against the soldiers, and it would be most unfair to bring himself afterwards before the same jury. But it frequently occurred in our courts of justice that a man who appeared as a witness against another, was afterwards put himself on his trial. He would ask the noble Earl whether he was prepared to maintain that if the companion of a burglar was shot by a person whose house was attacked, the burglar who escaped with his life might evade the justice of the law by calling in a policeman, charging the owner of the house with murder, and afterwards appearing as a witness against him? The noble Earl could not surely put forward so extravagant a doctrine. But why had not the second priest, who had not been summoned at all before the grand jury, been prosecuted by the Government? That second priest, the Rev. Mr. Clune, had, according to the informations which had been sworn against him, instigated the mob who had been engaged in the riot. [The noble Earl here read passages from the informations in proof of this statement.] He would next proceed to the evidence in the case of the Rev. Mr. Burke. [The noble Earl then proceeded to read several extracts from the informations which had been sworn in the case of the Rev. Mr. Burke, tending to show that that gentleman during the late Clare election had incited the mob to drag a party of voters off the cars upon which they were seated.] Now such were the informations which had been sworn against those two clergymen—informations which clearly proved, if any credence was to be given to the parties by whom they were sworn, that those two gentlemen were at the head of the whole disturbance which had led to that lamentable contest in which so many lives had been sacrificed. But there were also several other persons against whom informations had been sworn as having been implicated in the disturbance to which reference had so frequently been made. He would, however, mention the name of only one of those parties — a person named M'Grath. It was alleged in the informations that several attempts had been made by M'Grath to pull the voters off the cars upon which they were being conducted to the polling booths, and that a knife had been seen in his hand at the time. Now, while the late Government were in office information had been given that M'Grath had been preparing to leave the country, in order to escape the prosecution which he knew to be impending over him. This intention had, however, been discovered; he had been placed in custody, and in custody he had remained until the time of the Clare assizes. What was the course which was subsequently pursued with respect to this person? No steps whatever were taken to proceed upon the informations which had been served against him; but, as in the case of the priest Burke, he was adduced as a witness against those soldiers who were indicted for murder, and had thus been made the instrument of bringing innocent men into peril. He (the Earl of Derby) must say that he altogether repudiated the doctrine which had been advanced by the noble Earl opposite, namely, that those parties having been brought up as witnesses against the soldiers, were entitled to obtain impunity with reference to the counter prosecution which ought to have been carried on against themselves. He should now advert to the course which had been adopted with respect to the soldiers and the magistrate. He must say that, it having been determined in the first instance to prosecute the priests in question, the proceedings which had been subsequently taken were the most improper and the most entirely subversive of justice of which it had ever been his lot to hear. The bill which had been sent up in the case of the soldiers to the grand jury had been ignored —and what course had the Attorney General pursued? Had he at once made application to stop all further proceedings in the case? Not at all. The course which, in his (the Earl of Derby's) humble judgment, that learned Gentleman ought to have adopted, was to apply for the immediate release of those parties against whom no bills had been found by the grand jury, and to proceed with the prosecution of the criminal information which had been filed against those parties, whose guilt might be to a great extent inferred from the very fact that the grand jury had ignored the bills against the soldiers for murder, thereby in effect declaring that there was a justification for their conduct, which could only be established by the supposition that the other parties implicated in the transaction were, to some extent, guilty of the proceedings which had been laid to their charge. Well, the Attorney General had, however, carried on the proceedings until the following day, and upon that day he had ordered the soldiers to be brought up, under escort, through the streets of Ennis, which were crowded with an excited mob, to take their trial. He empannelled a jury—he had, in fact, one of the soldiers placed upon his trial, and had then made a lengthened address, the substance of which he (the Earl of Derby) should advert to very briefly. Up to the last moment neither the soldiers nor the magistrate were aware that there was not going to be a *bonâ fide* prosecution. The Attorney General having opened the case, had thought fit, upon the occasion in question, in the first place to repudiate altogether the evidence which had been given at the coroner's inquest, announcing that upon that evidence he could have no chance of obtaining a conviction, and consequently that the bill which had been sent up to the grand jury had been properly ignored —the learned Gentleman then proceeded to make a lengthened speech, in which there was no topic introduced which was not calculated to aggravate and inflame the feelings of the people; in which there was hardly a charge he did not make against the soldiers, although he had no intention whatsoever of attempting to substantiate those charges by evidence. He (the Earl of Derby) must say that the course which had been taken by the hon. and learned Gentleman upon that occasion was one which, in his opinion, was most unprecedented. Those very men, who for months before were obliged to be guarded by policemen against the violence of the mob, were placed in the dock, while that very mob were listening to the violent and inflammatory harangue of the Attorney General for Ireland. The conduct of that hon. and learned Gentleman was such as he (the Earl of Derby) believed was unheard of in law, unheard of in the course of any proceedings in connexion with which justice was pretended to bn dispensed. That the learned Gentleman should have made the attack which he did make upon men against whom he had no evidence to produce, upon which to substantiate their guilt—against men who had no means of making a reply—that he should have declared, upon the frivolous and absurd pretext that one of these priests had been sent as a witness before the grand jury, that neither of those priests, who had been guilty of outrage and of violence which had led to the slaughter of several of their fellow-subjects, should be prosecuted—was to take a course which was highly injurious to the maintenance of confidence upon the part of Her Majesty's subjects in the due and impartial administration of justice. It was a course which would tend to induce the people of this country to believe that there was one law for those whe stood up in defence of their rights and for the protection of their lives and properties, and another, much more lenient, for those who, under the abuse of the disgraceful and perverted authority of their spiritual guides, were led into acts of violence, for the purpose of endeavouring to prevent and to overthrow the due administration of the laws. The noble Earl opposite and his Colleagues might take what precautions they pleased for securing a peaceable election for the county of Clare; but let them depend upon it that the precautions which with their best intentions they might be able to devise, or which with their utmost vigour they might have the power successfully to carry into effect, would be as nothing when, upon the other side, there remained to be thrown into the balance facts to demonstrate that the perpetrators of previous outrage and previous violence had been allowed to escape with impunity. He should not, he felt, be discharging his duty as an independent Peer of Parliament, if he did not say, that so long as the noble Earl opposite and his Colleagues acted under such counsel as that which had been given to them by their law advisers in Ireland with reference to the course taken at the trial of the soldiers at Ennis—so long as they continued to justify the line of conduct which had been adopted by their Attorney General upon that occasion, the declarations which might be made in that House or elsewhere, however sincere or energetic they might be, would be of no avail, because they would be contradicted by the outrageous conduct of the noble Earl's supporters.

The LORD CHANCELLOR said, that something had transpired during the present debate which could not but be satisfactory to himself and to his Colleagues. It would be recollected that when the noble Earl who introduced this Motion brought the subject forward on a former occasion, he made it a charge that the Attorney General for Ireland had so far neglected his duty as to send up a bill to the grand jury for the purpose of raising a prosecution against those soldiers to whom allusion had been so frequently made. That was the very ground of complaint. Now, they had had it from the noble Earl who had just sat down, that so far from that being a just subject of complaint, it was the only course which, consistently with his duty the Attorney General could take, and that he was entirely absolved from all charge for what he did. That admission was at all events satisfactory to himself (the Lord Chancellor) and must be so to his Colleagues. He thought the noble Earl could not have had any legal adviser at his side when he attributed blame to the Attorney General for Ireland for having taken the course he did upon the occasion of these prosecutions. The noble Earl seemed to think that it was a scandalous thing when the grand jury ignored the bill, that the Attorney General did not let the matter drop, and order the men to be discharged, instead of having a jury empannelled. But it was necessary that the men should be arraigned, and put in charge, and then be acquitted. If a *nolle prosequi* had been entered, they would have had an indictment constantly hanging over their heads; no other course, therefore, could have been taken which would have relieved the men from all future difficulty—in short, the step which had been taken by the Attorney General was the only one which would have secured to the soldiers the privilege of being able to put forward the plea of *autrefois acquits* in bar of any subsequent proceedings. It was of course necessary that the accused should be brought to the court house for trial under proper guards. The noble Earl went on to say, that the Attorney General had made an unfair and inflammatory speech upon the occasion of the trial in question: that was, of course, matter of opinion depending on the real circumstances of the case. If the Attorney General had made a speech of the nature attributed to him by the noble Earl, he (the Lord Chancellor) could only say, that if that learned officer said anything in his address calculated to excite the mob, he did what was not within his duty. But he (the Lord Chancellor) could not believe that any man, with the education and feeling of a barrister and a gentleman, could consent to make himself a tool to anything so vile as that of exciting outrage and violence, more especially when he was engaged in discharging the functions of a lawyer and an officer of the Crown. The noble Earl had said it was very important that the duty and position of soldiers on such an occasion, should be distinctly and authoritatively explained. He (the Lord Chancellor) could not flatter himself with the notion that anything he could say would be authoritative on the subject. He did not think that it was necessary that the duty of a soldier on such an occasion should be explained distinctly and authoritatively; because for half a century and more the position in which a soldier stood, had been distinctly understood and authoritatively explained. For such purpose there was no distinction between a soldier and a civilian. It was the duty, in case of a riot, for every one of Her Majesty's subjects to exert himself singly, or in combination, to stop that riot effectually with the least possible violence. That applied equally to soldiers as to all other persons placed in a position that enabled them to stop a riot. What effect had that upon the position of soldiers? It imposed it upon them, or rather upon those who commanded them, as an imperative duty, that they should interfere on such an occasion. But it was an imperative duty also to stop a riot at the least possible sacrifice of the lives or limbs of those around them. It was, therefore, peculiarly the duty of the soldier to take care and be guided by that feeling, because in consequence of the efficiency of the weapons placed at his disposal, it was especially necessary that he should act most guardedly and with the greatest care not to do injury to life or limb. That seemed to him to be as good an explanation of the duty of the soldier as the nature of the case would possibly admit. Cases might be suggested where a soldier, acting under the orders of his officer, might, in the discharge of his duty in obeying those orders, and in reference to his duty as a citizen, be placed in a dilemma, because there must be cases where legislation was helpless to give redress to the soldier. It was impossible to define the limit when the orders of a commanding officer were or were not fit to be obeyed. It was the duty of the soldier to obey his officer, and to do that with the least possible cost of life or limb. It being clear that the soldiers were properly prosecuted, although they had only discharged their duty, it must also be admitted that it was perfectly right on the part of the Irish Government to send up the bills to the grand jury. If that course had not been taken, the prosecution would have been left in the hands of those who would have conducted it in a less satisfactory manner. It was right, therefore, that the Attorney General should take it in his own hands. That being so, the Attorney General found himself in this position:—In order to prosecute, it was necessary to send up to the grand jury those witnesses who could give the completest and most satisfactory testimony. If he had not sent up the priest Burke, who was the principal witness, before the coroner's jury, there would have been raised an outcry that the Attorney General had left out the only testimony that would have been effectual for the prosecution. With regard to the question of prosecuting the priests, the fact of Mr. Burke having appeared as a witness, would not undoubtedly have rendered a subsequent prosecution against him an illegal proceeding; but the question was one of expediency. Was it expedient to institute a prosecution against a man whom

the Attorney General himself had compelled to go before the grand jury to state the whole evidence respecting the riot? The Attorney General thought not. And he (the Lord Chancellor) thought the Attorney General had good reason for the conclusion at which he had arrived. Under all the circumstances, therefore, a resolution was arrived at that it was better to withhold any prosecution altogether. He did not believe anything new had come out before the Committee of the House of Commons that would make it a fit case for a prosecution. If there had been any such new facts, the Committee would themselves have recommended a prosecution. No such course had been taken; and he could not but think that it would place the Government in a very strange predicament indeed if, not having thought it fit to prosecute at the time when the prosecutions were going on in their natural course, they should now step in, and, without any new light, do that now which they did not think it fit to do when the matter was under investigation. Under these circumstances, the answer to be given to the noble Earl was, that there was no intention to prosecute these priests. That was the answer which his noble Friend (the Earl of Aberdeen) had given, and which was quite consistent with the feelings of every Member of Her Majesty's Government. But if any case not surrounded by all the embarrassments which were present in this case should ever occur, then, indeed, the noble Earl (the Earl of Cardigan) would find that the Government would be perfectly willing to prosecute priest, peasant, or soldier, where they had a good cause against him.

The EARL of DERBY explained: What he had stated was, that the report made by the House of Commons was not a reason why a prosecution should now be instituted, but afforded strong presumptive proof that prosecutions ought to have been instituted against them.

The EARL of EGLINTON said, he was not sufficiently versed in legal matters to know whether the law, as it had been laid down by the noble and learned Lord who had just sat down, was correct or not. He would take it for granted, however, that it was necessary, as the noble and learned Lord had stated, that both the soldiers and the magistrate should have been brought through the crowded streets of the town of Ennis to the court house; nevertheless, he would venture to say that it was by no means a necessary proceeding upon the part of the Attorney General to arraign those parties; that it was not necessary for him to have gone into the prosecution; and, further, that it was by no means necessary for him to have spoken as he had done against men who had it not in their power to say one word in reply. Their Lordships had learned from the speech of his noble Friend near him, that, in addition to the two priests against whom informations had been sworn, there were several other persons, also, against whom similar accusations had been made. Now, as soon as he (the Earl of Eglinton) heard of the affray at Six-mile Bridge, he, in conjunction with his right hon. and learned Friend the late Attorney General for Ireland, directed one of the most able solicitors in that country, Sir Matthew Barrington, to attend the inquest. The result of that learned gentleman's investigation was, that he had recommended to the Attorney General that informations should be sworn against nine of the rioters, and against the two priests whose names had been mentioned—not against these priests as priests, but because they, in the opinion of Sir Matthew Barrington, had been two of the ringleaders in that disturbance. There was one mistake in the statement of the noble Earl opposite which he wished to correct—namely, that his right hon. Friend the late Attorney General for Ireland had concurred in the propriety of taking no steps against those priests. He (the Earl of Eglinton), however, begged to state that his hon. and learned Friend had upon every occasion stated it as his opinion, not only that the priests should have been prosecuted, but that the present Attorney General for Ireland had acted wrong in not taking that course. He should say for himself, that he considered it the duty of the Government of which he was a member, or any other Government, to have prosecuted the rioters who had been engaged in the affray at Six-mile Bridge; and he should confess that, in his opinion, it would redound much to the happiness of Ireland if the theory which the noble Earl opposite had enunciated that evening were carried vigorously into effect.

LORD CAMPBELL thought it was his duty, occupying the position which he did, to express his opinion on the subject before the House, and he would do so with the utmost impartiality. First, in reference to the conduct of the late Attorney General. For him he had the most sincere regard, and the highest admiration; he believed he was a consummate lawyer, an honourable man, and an amiable member of society; but, at the same time, he must say that he had committed a great mistake in the treatment of this case as Attorney General. When he found there was no evidence to support the finding of the coroner's jury, he ought at once to have entered a *nolle prosequi*. That was a prerogative of the Crown which he had a right to exercise; and, had he done so, the soldiers would have been freed from all liability whatsoever. He (Lord Campbell) believed that he mistook the right course when he applied to the Queen's Bench to quash the finding of the jury, because it had no jurisdiction in the case. He had had some correspondence with the Irish Judges on the subject, and had searched Westminster Hall for precedents, but could find none giving to the Court that jurisdiction. When there was no imputation on the coroner, and no want of jurisdiction alleged in the coroner's jury, it was quite clear that the Court had no right to quash the investigation on the ground that the evidence was insufficient. He could not blame the present Attorney General, when he entered office, for not entering a *nolle prosequi*, because that would have been a rather invidious course for him to take, following, as he did, a man who was so much respected. He thought it was quite right that one of the soldiers should be arraigned in the face of the country, and that the Attorney General should, on his own responsibility, justify the course which he had pursued. He could not believe it possible that any counsel, whatever his political opinions, should have used language so degrading as that mentioned by the noble Earl opposite.

The EARL of CLANCARTY complained of the antagonistic principles which seemed to be entertained by the heads of the Government. The noble Lord the leader of the House of Commons, on a recent occasion, professed to have no confidence in the Church of Rome; but the noble Earl opposite said he entirely differed from his Colleague in that respect. Let their Lordships consider what would have been the result of that want of unity of action if a state of things had arisen this year analogous to that which, in 1850, rendered the Ecclesiastical Titles Bill necessary. What would have taken place if the preponderance of opinion in the Government had been favourable to reposing entire confidence in Rome? Would there have been any vindication of the Queen's supremacy? That, he apprehended, was a serious question for the consideration of the people of England.

The **Duke** of **NEWCASTLE** said, the noble Earl had entirely misrepresented what had passed on the subject to which he referred. The noble Earl said the difference between the noble Earl at the head of the Government and the noble Lord the leader of the Government in the other House was this—that the noble Lord said he had no confidence in the Church of Rome, and that the noble Earl expressed a contrary opinion. Now, no such position was maintained by the one, or denied by the other. All that took place was this: certain Gentlemen took offence at some expressions of his noble Friend in the other House (Lord John Russell), while stating particular reasons, among others, for objecting to a Motion then before the House; and his noble Friend at the head of the Government (the Earl of Aberdeen) on being asked whether he concurred, intimated to those Gentlemen that he did not participate in all the reasons suggested by the noble Lord for the course he had adopted. That was, in fact, the only difference between the noble Lord and the noble Earl. There was no question of confidence or want of confidence in the Church of Rome. That was an entire fabrication. As to the more immediate question before the House, he considered that there must be in every country, and more especially in Ireland, a very great latitude and considerable discretion allowed to the law officers of the Crown in State prosecutions of this nature. Nothing could be more prejudicial to the due administration of justice in Ireland than for the Attorney General to follow up a prosecution against any priest or layman, and to signally fail in the end, as, he contended, he must have done in the case against the priest named Clune, and therefore he had done quite right in avoiding it. He (the Duke of Newcastle) should feel unworthy of the friendship of the hon. and learned Gentleman who now held the office of Attorney General in Ireland if he did not protest against the language with regard to him that had been used by the noble Earl who lately occupied the important position of Prime Minister. The noble Earl had made imputations founded on a speech which he had not read. If he had intended to heap upon him imputations so strong, he was bound to have brought forward his proof, instead of confining himself to a general and vague declaration that the speech of the hon. and learned Member was an incentive to disturbance. He would not stand there while the late Attorney General was praised for his conduct, and hear unmerited obloquy and abuse directed to one who was at least worthy of being his successor in office, and who yielded to him in no respect, whether in his attributes as a lawyer, in his character as a gentleman, or in the amiability of his conduct. With respect to the charges which had been made against the Attorney General, and which he had shown were not founded in truth, he might mention that, not long ago, he often heard repeated, by certain parties, that it was impossible to have complete justice in Ireland now that Mr. Brewster, the Orangeman, was Attorney General; but he (the Duke of Newcastle) believed that such an imputation was made without the slightest foundation, for Mr. Brewster was not an Orangeman. He entertained a very high opinion of that learned Gentleman, and, more particularly so, in regard to the trial which took place, for he received directions from the noble Earl at the head of the late Government in Ireland to proceed with the case; but at the very moment of going into court, he, upon his own responsibility, determined to abandon the proceedings, and in doing so disobey the order which he had received. The course which he then pursued had been approved of. The noble Lords opposite had thrown out insinuations, and had aspersed the characters of the Members of the Government; but he challenged them to prove their assertions. He did not hesitate to say, for himself, that he leaned towards no Irish party; but he would fearlessly say that he should not be afraid of being just towards the priests. He thought a satisfactory answer had been given to the aspersions which had been cast against the Government. Should the proof of them be attempted, he was quite prepared to assert that there would be a failure in substantiating them. He would boldly say, and challenge denial by the noble Lords opposite, that Ireland was now in a better state than ever before known. Whether they turned their attention to the religious or political feelings of the people, it would be found that there was not the slightest manifestation of any apprehension that the law would not be carried out by the present Government in all its integrity and impartiality; and in support of the feeling now existing, that the present Government had acted, and intended to act, with the greatest impartiality towards all classes in that country, he would refer to the elections which had taken place since the accession to office of the present Government; and he did this the more freely because the question before their Lordships was one respecting an election in Ireland. There was no appearance on the part of the Roman Catholic party to oppose the general policy of the Government—there was no appearance on the part of the priests to do so. They were not inclined to take more liberties now than they took when the noble Earl (the Earl of Derby) was at the head of the Administration. He boldly repeated, that the law in Ireland had been impartially administered, and that that would be continued so long as the present Government was carried on by the noble Earl (the Earl of Aberdeen).

Lord REDESDALE said, he thought the question, affecting as it did the conduct of so many persons, was one of the deepest importance. The noble Duke (the Duke of Newcastle) said that there was not sufficient evidence to support and carry on a prosecution against Mr. Clune, the Roman Catholic priest; but he (Lord Redesdale) would show, by referring to the Report made by the Committee of the House of Commons, that there was sufficient evidence. The Report declared that Mr. Clune had greatly excited the people to take part in the riots at the last election for the county of Clare, and that he had taken part in the proceedings himself. That was the finding of the Committee with regard to Mr. Clune. Surely that evidence was equally open to the law officers of the Crown. Then, as to Mr. Burke's conduct, it was also proved before the Committee that he had taken part in the riots. He believed that one reason given for not prosecuting him was, because he had brought forward a false charge of murder against those parties who had acted, and were desirous of acting, in accordance with their duty. That was a very unfortunate fact to admit. He believed that it was the unanimous feeling of the Committee that Mr. Burke should be prosecuted.

The DUKE of NEWCASTLE said, he had not had the power to watch all the proceedings of the case, but he knew that the Committee was not unanimous in considering Mr. Burke guilty of the charges made against him. He begged to observe that there was a very great difference of opinion existing in the minds of the Committee. He (the Duke of Newcastle) objected to a Report of the Committee of the House of Commons being referred to in their Lordships' House. It was not a document which ought to be brought forward to support a charge of this kind, for it was impossible to say how the conclusions in the Report were arrived at.

The EARL of CARDIGAN replied. The noble Earl at the head of the Government had informed their Lordships that he entertained one opinion at one time, and that he had afterwards changed it, but for what reason it did not appear. With regard to the insinuation which the noble Earl had thrown out—that the Motion had been made for the purpose of creating disturbance at the ensuing election for Clare—he (the Earl of Cardigan) thought it a most unfair insinuation. It was an accusation which had no foundation. That he had brought forward the Motion at a time when it was likely to endanger the peace of the country was not a fact. It was not his duty to inquire whether an election was about to take place or not, but it was his duty to ask, in his place in Parliament, whether certain pledges which had been given by the Prime Minister of this country some months since, in his place in that House, were to be kept or abandoned. He (the Earl of Cardigan) believed the soldiers had been most unfairly treated, although it had been promised that all parties should be dealt with in justice and impartiality. He did not believe that the explanations which had been given would be satisfactory to the country generally—certainly they would not be to the military. He would, however, withdraw his Motion.

Motion, by leave of the House, *withdrawn.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 24, 1853.

MINUTES.] NEW WRIT.—For Tralee, *v.* Maurice O'Connell, Esq., deceased.
PUBLIC BILLS.—1° Stamp Duties.
2° Evidence Amendment.
3° Soap Duties.

LEASING POWERS (IRELAND) BILL.

Order for Committee read. House in Committee.

Clause 10.

Mr. NAPIER said, that by this clause a tenant under an improvement lease was bound to improve one-tenth part of his land every three years, and, if he failed, he was liable to be ejected; subject, however, to compensation for the value of the improvements which had been made. He thought this latter provision would create great embarrassment, to landlords particularly, as the Bill provided no machinery for assessing the compensation which it was proposed to give. Believing that this provision would prevent owners of land from granting leases under this Bill, he would move the omission of that part of the clause.

Mr. KIRK said, he should support its retention, on the ground that it was only just that, if any improvements were made, the landlord should make compensation for them.

Mr. M'MAHON said, that he could not assent to the objection to these words, which was founded upon the embarrassment they would cause to the landlords, because it was quite optional with the owner of land whether he gave such a lease or not.

Mr. NAPIER said, he must still maintain, in opposition to the hon. Member for Newry (Mr. Kirk), that where the re-entry of a landlord was caused by the default of a tenant, the latter was not entitled to compensation for improvements; such was the principle of the Scotch law.

Mr. ROSS MOORE said, he thought that while on the one hand a tenant who was prevented by some unforeseen casualty from fulfilling the contract he had entered into by his lease, was entitled to compensation for the improvements which he had made; on the other hand a tenant who had undertaken the reclamation of more land than he could complete, or had in any way failed to fulfil his contract by his own default, should not be so entitled.

Mr. MAGUIRE said, that the clause as it stood was already more stringent in favour of the landlord than of the tenant. If the words which had been excepted against were omitted, the Committee would be sanctioning the grossest act of robbery.

Mr. NAPIER said, he would not press his Amendment now, but he trusted that his objection would be met at the bringing up of the Report.

Colonel DUNNE said, he would suggest that there might be such a thing as collusion between the lesser and lessee to defraud the remainderman. He thought that the hon. Member's (Mr. Moore's) suggestion was absolutely necessary. He regretted to see that there were so few Irish Members present, and that showed the inconvenience of taking these matters in such an unexpected way, and at such an early hour as 12 o'clock. He protested against the vacillation of the Government.

Sir JOHN YOUNG said, he denied that the Government had ever vacillated with respect to the measure. Nothing could be more certain than their intention to pass it with some slight amendments; and also to pass the Tenants' Compensation Bill, and the Landlords' Improvement Bill. The Government were perfectly united on this point, and he was in a position to state that they meant to carry all these three Bills. He also believed that by this Bill much would be done to enable parties to make such leases as would give the tenant full and fair compensation for the improvements which he had made. Reference had been made to the rights of property, and it had been intimated that this Bill was opposed to them. But he would ask whether the landlords' property was the only property that had rights? He believed that it was quite as much for the interest of the country that the property of the tenant should be protected, as that that of the landlord should be guarded.

Mr. H. HERBERT said, he was glad to hear from the Chief Secretary of Ireland that the Government were determined to urge forward both the measures in question, for he believed that they would confer immense benefits upon Ireland.

Mr. J. D. FITZGERALD said, he thought that it would be a valuable enactment to make the tenant liable, as it were, to a penalty if he undertook improvements and capriciously threw them up; but he ought to be compensated for what he had done with a *bonâ fide* intention to improve the land.

Mr. LUCAS said, he should support the clause. The machinery for assessing the compensation might be added to the 29th clause.

Sir ARTHUR BROOKE said, that, as a landlord, if they really wished the condition of Ireland to be permanently improved, they must give *bonâ fide* and full compensation to the tenant for the improvements which he effected by his labour and capital.

Clause *agreed to;* as were also Clauses 11 to 27 inclusive.

Clause 28.

Mr. NAPIER said, that the portion of the Bill with which they had hitherto been dealing related to the giving of enabling powers to make leases—they were now coming to that which regarded compensation for improvements. These were naturally divided into two classes—those on the soil, and those in the soil. With regard to the latter class, the Select Committee to whom this Bill was referred, agreed to the principle originally inserted in the Bill—to give the tenant a certain period during which he should be sure of enjoying the benefit of his own improvements, and to entitle him to compensation if evicted before its termination for what was not matter of his own default. The Committee, however, thought that this principle would be a good one to apply to improvements in the soil, and it was ultimately resolved that for improvements in the soil the tenant should be entitled to money compensation for such as were suitable to his holding, according to the value at the time of the landlord's entry, should that not be in consequence of his own default, while those improvements which he had chosen to make at his own risk should remain his property, to remove or dispose of as he pleased. The clause had been modified to embrace these provisions.

Clause *agreed to;* as were also Clauses 29 to 34 inclusive.

Clause 35 omitted.

Remaining clauses *agreed to*, with some verbal amendments.

MR. J. PHILLIMORE said, that he could not allow the House to resume without expressing his sense of the great ability, good sense, discreet and admirable temper, which had been displayed by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) in the conduct of this Bill.

MR. FITZSTEPHEN FRENCH said, that he thought they might congratulate themselves upon the manner in which a House composed almost entirely of Irish Members had conducted the discussion on this measure.

House resumed; Committee reported.

LANDLORD AND TENANT (IRELAND) BILL.

Order for Committee read.

House in Committee; Mr. Greene in the chair.

Clauses 1 to 6 *agreed to.*

Clause 7 (Giving the landlord power to terminate the tenancy at a month's notice).

MR. M'MAHON said, this was a clause most undesirably affecting the position of the cottier tenants. The clause enacted that the tenancy of a house, with or without land, under 7*l.* annual value, should be terminated at a month's notice. Great oppression might be exercised under such a clause.

MR. KENNEDY said, that considering the clause as an act of oppression towards the class of tenants in question, he should wish to see it expunged.

MR. J. D. FITZGERALD said, he must remind the Committee that it was introduced for the benefit of the cottier himself. It made no alteration whatever in the law as it now stood, for a landlord could take care that the tenancy should be weekly or monthly, as he thought proper, and then a week or a month would be quite sufficient to turn the tenant out.

MR. V. SCULLY said, if he was not mistaken, provision was made in another Bill that compensation should be awarded to a tenant if he was turned out at the very time when he expected to reap the advantage of the labour which he had expended on his garden. Of what use then would it be to strike this clause out? None whatever. On the contrary, it would be a disadvantage to the small tenantry of Ireland; because, as the law now stood, landlords were deprived from letting garden allotments, by reason of their being compelled to resort to an action of ejectment to recover possession of their land, in the event of the tenant not paying his rent.

COLONEL DUNNE said, he thought there would be a great deal of hardship if a landlord had the power of turning out this class of tenants at a month's notice in the middle of the winter.

MR. MAGUIRE said, he considered the clause intrusted a harsh and tyrannical power to the landlords, and he should most strenuously resist it.

MR. NAPIER said, the object of the clause was to encourage the improvement of labourers' dwellings. Many landlords were now prepared to erect such improved dwellings, if they were furnished with powers which would enable them to get rid of their tenants at a moderate notice. The clause did not relate to cottier tenants in general, but only to hired agricultural labourers, and he hoped the Committee would not reject it.

VISCOUNT MONCK moved that the Chairman do report progress, and ask leave to sit again.

Motion *agreed to.*

House resumed.

THE ARMS ACT (IRELAND).

Mr. J. WILSON moved that the House, at its rising, do adjourn until Monday next.

Mr. I. BUTT said, that he had given notice that on this Motion he would call the attention of the House and Her Majesty's Ministers to the state in which the law in Ireland with reference to the possession of arms would be placed by the expiration of the Act popularly known as the Crime and Outrage Act. In putting to the right hon. Baronet the Secretary for Ireland the question of which he had given notice, he would ask the attention of the House for a few minutes to the state of things to which that question referred. Last year, the House might recollect, they had renewed the Crime and Outrage Act for one year. It would expire on the 30th of August. He (Mr. Butt) did not wish, if it could be avoided, to renew the provisions of that Act. But upon its expiration there would be no law in force restricting either the importation of arms into Ireland, the sale of them in the country, or the acquisition of them by the people. Now, this would be the first time for 150 years, with one disastrous exception, in which there had been such a state of things. For 150 years they had constantly had laws, more or less severe, restricting the possession of arms in Ireland. In 1846, the noble Lord the Member for London (Lord John Russell) was placed at the head of the Government. Coming into office very late in the Session, he introduced, on the 10th of August, a temporary renewal of the Arms Act, justifying the proposal by the fact that Ireland had never been without such regulations for a century and a half. The opposition made to the proposal by his own supporters was so strong, that on the 17th he abandoned it. The noble Lord, in giving up the Bill, said that he did so with great hesitation—that he felt he was taking a very great responsibility. Then let the House see the result of the experiment. It was undertaken under the most favourable circumstances. The noble Lord said in 1846 that Ireland was then in a state of unexampled tranquillity; that the previous assizes had presented almost a total cessation of crime. Nay, more—Lord Bessborough, then Lord Lieutenant—a nobleman whose name he (Mr. Butt) would never mention without respect, and who had governed Ireland as ably and impartially as any Lord Lieutenant of any party ever did—that nobleman had said that he was willing to undertake the responsibility of governing Ireland without an Arms Act. But what was the result? A perfect mania seized on the people to possess themselves of arms; auctions of muskets were held in every district. The winter of 1847 was disgraced by outrages of the deepest dye. No sooner had Parliament met in that winter than the noble Lord was compelled to propose a Coercion Act infinitely more severe in its character than the Arms Act he had abandoned. The noble Lord in 1850 again proposed the continuance of that Act, and on that occasion, with the candour and manliness that invariably distinguished him, owned his error. He said, that he had felt a heavy weight in the responsibility he had taken on himself in 1846, and that the result of the experiment was such as to make it impossible to risk the consequences of dispensing with those powers. That Act had been again renewed in the last Session; but it would expire on the 30th of August, and, unless there was some legislation in the interim, Ireland would be left exactly in the position which had produced such sad results in 1846. These were the facts to which he had felt it his duty to call the attention of Ministers and of the House. He did so with not the slightest wish to embarrass the Government. He had waited until that period of the Session at which it became indispensable that something should be determined. If Ministers, acting on that official information with which the knowledge of no private Member could be put in competition—if Ministers were prepared deliberately to say that the circumstances of Ireland had so changed that they would venture to repeat the experiment of 1846—then he (Mr. Butt) could only say that, whatever misgivings he might have, he still would receive with satisfaction such an assurance of the view taken by Ministers of the tranquillity of Ireland, and give them credit for acting on a sincere wish to promote the peace of that country; but he had felt it his duty to bring the matter before the House, that if Ireland was to be left in that position, it might be done deliberately, and not in any inadvertence. He begged to ask the right hon. Gentleman the Secretary for Ireland, whether the attention of the Government had been called to the state in which the law as to arms in Ireland would be placed by the expiration of the Act of last Session on the 30th of August; and, if so, whether they intended to propose any measure upon the subject?

VISCOUNT PALMERSTON said, the matter to which the hon. and learned Gentleman had called the attention of the House, was one, no doubt, of very considerable importance, and might well be supposed to have occupied, and to occupy, the attention of Government. All he could say on that occasion was, that due notice would be given to the House of the course the Government might think fit to pursue.

MR. I. BUTT said, he should give notice that on the first Committee of Supply, he should move a Resolution that it was the duty of the Parliament to turn their attention to the state of the law relating to the possession of arms in Ireland.

PUBLIC BUSINESS.

MR. W. WILLIAMS said, he begged to call attention to the manner in which the public business of the country was conducted. He never knew it to have been conducted in a manner so objectionable as during this Session. Night after night they had been sitting until two or three o'clock in the morning passing Bills of very great public importance, without scarcely any person being present except some hon. Members whom the Government could induce to remain. The time allowed to Members after such a long attendance in the House was not sufficient, and, what was still more worthy of attention, Bills of great importance, and Reports, were presented to the House, and no time was allowed for the consideration of any one of them, so that Bills of great public consequence were frequently passed which six Members of the House had never read through. The Members of that House were held responsible by their constituents for the passing of any Bills that were injurious to the country at large, though it was impossible for them to attend to them. They adjourned this morning at three o'clock; they sat again at twelve o'clock; they might expect that that would be a common occurrence during the remainder of the Session; and he hoped Her Majesty's Government would take the matter into their serious consideration.

LORD JOHN RUSSELL said, he must own that he differed very much from the hon. Gentleman. He had always thought that it was a matter of great satisfaction to consider that that House did, in fact, perform more business, and go through more important duties, than he believed any other Legislative Assembly had ever done. If the hon. Member would go through the various Bills that came before them in the course of the Session, he would find that business of the greatest and highest importance was brought before the House, and that there were many Members of the House who took great interest in those measures, and were competent to discuss them, and give their opinion upon them. With respect to the complaint that the time of the House was taken up for so many hours in the day, there was only one alternative to remedy it, and it was one which he did not think the House would be ready to adopt. Instead of crowding the business at that period of the Session, they might finish at twelve o'clock at night, and go on and continue their sittings through the whole year. However severe it might be to sit at twelve o'clock in the morning, and until two or three o'clock the next morning, he did not believe that any Bills of great importance were passed without attention being paid to them. If a Bill were much discussed on the second reading, and the opinion of the House was pronounced by a large majority, the subsequent stages were generally passed over without observation. In like manner when a Bill had gone through Committee, and the sense of the House was taken on all its clauses, there was generally very little discussion afterwards; but he did not think it could be said that the business of the House was neglected, or that due attention was not paid to it.

Motion, that the House at its rising do adjourn till *Monday* next, *agreed to.*

GOVERNMENT OF INDIA BILL—ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming adjourned Debate on Amendment proposed to be made to Question [23rd June], "That the Bill be now read a second time:—And which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, further information is necessary, to enable Parliament to legislate with advantage for the permanent Government of India; and that, at this late period of the Session, it is inexpedient to proceed with a measure which, while it disturbs existing arrangements, cannot be considered as a final settlement," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. HUME, who rose amid some impatience, and cries for the right hon. Member for Edinburgh, said, it was all very well for those hon. Members who were determined to support the Bill of the Government, to call for their friend; but it did not seem at all fair to take a course so unusual as to call up a Member of that House in opposition to one who had moved the adjournment of the debate on the previous evening, and who, therefore, by their rules of debate, was in possession of the House. He (Mr. Hume) would relieve those Gentlemen who were so impatient by stating that he should not occupy the attention of the House for any great length of time. Having been so long connected with India, and having directed much of his attention to the subject of administering its affairs—as much, perhaps, as any private individual Member in that House—he could not allow the present occasion to pass without offering his opinion upon the question before them. He would submit that it was a mere mockery, and contrary to all the ordinary usage of the House, to proceed with this Bill until they had before them the report of the Committee now investigating the affairs of India upstairs. An hon. Gentleman had just presented a petition referring to one of the most important branches of inquiry determined upon by the Committee, and had asked that it should be referred to that Committee; but he did not believe it would ever come under their consideration. What was the use of presenting petitions when the Government had brought in a Bill without any information—without ascertaining from the parties concerned how far their interests were attended to? It was a perfect mockery. He had entreated the Government not to press a question which required the most grave consideration of that House without full information—and in what state was inquiry before the Committee? They had only got through three or four heads out of eight. A great deal had been said about the interests of the millions intrusted to their government—altogether 150,000,000 of persons—for whom they were about to legislate; and they had had petitions from Madras, from Bengal, and from Bombay, natives and Europeans of all classes, praying for inquiry; and he himself had moved in the Committee that some of the petitioners should be requested to appear themselves, or by their agents, to explain their petitions; but only one Member voted with him, all the other Members voting against him. The consequence was, that not one native petitioner had been examined before the Committee. But how could they say what grievances were real, and what were imaginary, without fair examination? Looking to what had taken place before—to the knowledge every man in India, native and European, had of the matter, he would say that if ever there was anything that would keep up agitation and disquiet among the people of India, it was the hanging of a provisional measure of this kind over their heads, accompanied by the understanding that it was to be altered and amended as time and circumstances might require. He thought that the Bill was most injudiciously introduced in point of time. What he could have wished was, that it should have been deferred until the inquiry was finished. It was therefore his intention to support the noble Lord's Amendment. Every man who looked at the welfare of India, and considered the situation in which that country was placed—a situation altogether anomalous, no other possession of the British Crown being placed in the same—an empire obtained, not by conquest, as most most of our colonies were, but created by the industry, labour, and capital of a commercial country a century ago, and conducted in a manner unequalled by any other of our possessions—would say that those who wished to alter that which was going on so well, ought to prove their case and show why that alteration was required. The Under Secretary to the Board of Control (Mr. Lowe) had attempted to mislead the House last evening, by stating that the Government were now proceeding in a course agreeable to the precedent of 1833, and compared the period of the Session at which the present Bill was introduced with the period of the introduction of the Bill for the renewal of the Charter in that year. The hon. Gentleman, however, forgot to state that the heads of the present Bill were only submitted to the Court of Directors on the 1st of June last; whereas the scheme of the Government in 1833 had been under the consideration of "the Chairs" from October 1830, and the Bill itself was submitted to the Directors in March the following year. The hon. Member would find all the correspondence which took place on this subject in a corner of a shelf in his office. The present

Bill had been introduced without any previous consideration, and almost without notice. In fact, the conduct of the Government with respect to the question seemed to partake of insanity. On the 30th of March last "the Chairs," having heard rumours as to the intention of the Government to legislate this Session, wrote to the President of the Board of Control to ask whether Ministers meant to introduce a Bill. On the 9th of April the President of the Board answered their letter, but said nothing about the Bill. It was not until the 1st of June the right hon. Baronet announced the intentions of the Government to the Court of Directors. With those facts before him, he thought he was perfectly warranted in stating that sufficient time had not been given to do justice to the matter under consideration. His own opinion was that one great defect of the existing system was, that none of the natives of India were included in the Legislative Council. Did hon. Gentlemen believe that India was to continue for ever, as now, under the management of a few hundred Europeans, and that, in the administration of its affairs, we were not to take advantage of the existing means of civilisation? The complaint he had to make was, that during the last twenty years the resources of India had been wasted, and wasted in uncalled-for wars, which would never have been carried out if the Court of Directors had had that power and control which the Act of 1833 was intended to leave in their hands. He was surprised to hear the late President of the Board of Control state last night, that neither the Court of Directors nor the President of the Board of Control was responsible for Indian wars. The right hon. Gentleman's language, as accurately reported, was as follows:—"Neither the Board of Control nor the Court of Directors was responsible for wars undertaken in India." Now, he maintained that the Board of Control and Her Majesty's Government were responsible for those wars on which the revenues of India were wasted. The Court of Directors did not know how the Affghan war originated until they were called on to pay the bill. In 1833 the home and foreign debt amounted to 38,000,000*l.*, but through the persevering exertions of the Directors, from year to year, it was reduced in 1839 to 31,000,000*l.* Then came the Affghan war, and since then their expenditure had always exceeded their receipts. Then came the wars of Scinde and the Punjaub—would the House believe that the enormous sum of 28,700,000*l.* had been spent in these three wars alone, all of which had happened since the last renewal of the Charter? The following extracts from the evidence of Sir J. Hobhouse showed that the President of the Board of Control could do as he pleased in India, in defiance of the wishes of the Court of Directors:—

> "Do you correspond with the Governor General of India, and with those other high functionaries the Governors of Madras and Bombay, directly, without the intervention of the chairman or deputy-chairman of the India House?—Of course I do, privately.
>
> "Have you any official correspondence with them which does not go through the India House?—Certainly; the letters from the Secret Committee are written by myself—they go, indeed, from the India House, but not from the Court of Directors."

This state of things should be put an end to. He contended that it was more a European than an Indian question; and that these wars were directed by a Secretary of State here in conjunction with the Board of Control. What he wanted was, that they should have a security against the continuance of such proceedings. If there was, as he was anxious there should be, a responsible Minister for India, such a Minister ought to have a Council to consult and advise with, and there could be no better council than a Court of Directors, properly constituted. He considered that they ought to make the Court of Directors more efficient; and the way to do that was to prevent any man entering that Court who had any other business to occupy his attention, and to infuse into it a larger proportion of members conversant with the affairs of India. With respect to the question of the double government, he wished to see the administration of India as it now was carried on by the Court of Directors—called by the name of a Council, if they pleased—to see that system continued, improved, and perpetuated. He could not believe that the government would have been carried on, or raised to its present extraordinary position of power and importance, if they had not had that body appointing its own servants, and taking care of, and controlling, the whole revenue of the country. The present Bill degraded the Directors, for it positively placed them under the clerks whose masters they were. He objected to leaving the power in the President of the Board of Control of doing the evil he had hitherto done, without any check, and without any means of Parliament knowing when important measures were taken by him. At present, according to the Minister himself, no one could tell where responsibility really rested. One said it was in the Board of Control, another in the Directors, whilst a third said it was in India. Parliament ought to know where lay the responsibility; and for effecting this object he suggested that the Secret Committee should be obliged to keep minutes of their proceedings. As regarded patronage, he would have the House consider whether it was not desirable that half of it should go to the families of the civil and military officers who served in India. The patronage had been given to the Directors with the view of disconnecting it from political influence in this country. Judging of the system by its results, a candid man must admit that the Indian patronage had been judiciously bestowed. In no other country in the world was to be found so admirable a body of civil and military servants. For his part, he entertained great doubts as to whether competition would be attended with the beneficial results anticipated from it. On these several grounds he entreated the House not to be led away by hasty or rash proposals, but to insist that the inquiry now proceeding should be closed before they legislated.

Mr. MACAULAY: Sir, I shall vote for the second reading of the Bill; and, even if I had not determined to take that course, I should not vote for the Amendment proposed by the noble Lord. That Amendment appears to me to be not much mended by the speech of the hon. Member who has just sat down. He certainly cannot tell us that he has not all the information he can desire, or that he has not sufficiently made up his mind on the subject. He has made up his mind not only that the present Bill is a bad one, but also that it is desirable to adopt—even in its most minute details—a plan of government which he himself recommends. He has sketched out the complete plan of a government, fixing the relations between the Board of Control and the Court of Directors, and disposing of the patronage of India in a manner certainly very different from that proposed by the Bill. After having given this complete sketch of an entirely new plan of a government for India, that the hon. Member should call upon us to pass a Resolution declaring that the information is not at present accessible which alone can enable us to legislate for India, does, I confess, seem to me somewhat paradoxical. Nor can I agree with the noble Lord opposite in condemning the Bill on the ground that it changes the existing system, and yet is not final. The noble Lord has condemned the Bill for being what any Bill proposed for the government of India, either this year or next year, or three years hence, or ten years hence, must necessarily be. Such a Bill ought to make alterations, and yet it ought not to be final. The Bill which we pass—be it what it may—ought to be a large yet cautious step in the path of progress. That which we have a right to ask from the Government is not a Bill which should leave everything that exists unchanged—not a Bill which should make such reforms and no other reforms as may now be necessary—but a Bill that shall introduce improvements, and leave us free agents to effect future improvements. Such a Bill I think is the Bill proposed by the right hon. Baronet the President of the Board of Control. One reason which, perhaps, leads me to look on this Bill more favourably than some Gentlemen for whose ability and intentions I have great respect, may be this—that the parts of the Bill which to them seem the most important, are precisely those which, to me, seem least important. We have heard very much—we have read very much—about the changes which it is proposed to make in the home government. That the home government ought to be constituted with care, that it should be as well constituted as possible, is perfectly true; but I do not conceive that the points in dispute touching the constitution of the home government are by any means the most important points we have to decide. The truth is, that vicinity, as we well know, acts on the mind as it does on the eye. A small object near will hide a large object at a distance. India is a great way off, but we all know the India-house; and India-house politics may hide from some, and cause more to see imperfectly, Indian politics. We all know something, more or less, about India-house politics. A man must have led a very secluded life indeed who has not in some way or other come across a canvass for a seat in the Direction. I think that many men who would find it very difficult to state whether the people of the Mysore or of the Nizam's territory are Mahomedans or Hindoos—whether the Guicowar is in the east or the west of India, or to explain the difference between the Ryotwar and Zemindary systems, who, nevertheless, would take exceeding interest in the question who shall be the person next elected to the Board of Directors. If not stockholders ourselves, at all events we may be asked to speak to another gentleman to ask him to speak to a lady to ask her to speak to a proprietor to secure the promise of his vote, if not for this or the next time, at least for the time after. When a Director is elected—he is solicited —indeed he is solicited during his canvass very often—by those who have given him "their vote and interest," for cadetships and writerships. Some of us have been obliged by the "home government"—many of us have been obliged by the "home government," but it is on account of these circumstances that we all know something of that government—we all watch its operation; and therefore it is that the proposed change excites so much discussion and so much warm if not angry feeling. I must say, however, that the controversy carried on really seems to me to be altogether disproportionate to the magnitude of the subject. For what, after all—when we come to examine it—is the vague idea entertained about the home government? Much has been said against a double government; and yet, when we come to examine any plan which may be proposed by any Gentleman, we always find that it always does propose a plan which deserves the name of double government exactly as much as that contained in this Bill. No human being proposes, or would think of proposing, that the Crown should have nothing to do with the government of India. No human being proposes, or would think of proposing, that dominions containing a population more than half as large as that of Europe, and where a greater military force is kept up than in all the rest of the Queen's territories, should be placed under an authority distinct from that which governs the rest of the British empire. Nobody would propose, or think of proposing, this: but, if you have the Indian Government under the control of the Crown, the Minister for India must go out of office with the other Ministers of the Crown—that is to say, he must come in and go out on grounds which have nothing whatever to do with the merits or demerits of his Indian administration. In fact, since the Board of Control was first organised and brought into existence in 1784, I believe no single instance can be found of a President of the Board of Control taking or leaving office on account of any difference of opinion on Indian affairs. Two Ministers for India went out on the question of Catholic emancipation, and another because he would not agree to the Bill of Pains and Penalties against Queen Caroline; the last President but one of the Board of Control went out because his Colleagues were in a minority on the Militia Bill; and the last, because the Cabinet of which he was a Member, was in a minority on their Budget. During the last quarter of a century there have been ten changes in the Board of Control—that is to say, the average time during which the Indian Minister has held office is about two years and a half. Now, whoever considers what the nature of Indian government is, the vast extent of the country, the various subjects calling for attention, and the small amount of attention which those subjects generally receive from English public men, whose peculiar duty it has not been to consider them, will be forced to admit that our Ministers for India must often come in and sometimes go out upon questions which have no reference to the merits of Indian administration whatever. It seems, then, necessarily to follow that you must give to them—to the Indian Ministers—some more permanent body which should advise them, and which should, to a certain degree, act upon them as a check. I have never heard any person deny the necessity of having such a body; but if you are to have such a body—such a council—you have a double government. It seems to me idle to say it is a double government if the Crown appoints the Minister, and the proprietors elect the Council; but that is not double government if the Crown should appoint both Minister and Council. Surely it is just as much double government as if the Minister holds office by one tenure—the tenure from the Crown—and the Council by another, from the Court of Proprietors. You will have the same inconvenience whether the Council be appointed by the Crown, or by the Court of Proprietors. It is utterly impossible to attach to any Minister a council or body of men whose business it is to look on—to restrain and advise him—it is utterly impossible to give any Minister such a council, without at the same time relieving him to a certain extent of his responsibility. It is impossible you can give him such a council without in some degree causing delay in the transaction of the business of the department. These will be the evils of double government under any system I have ever heard of yet. Look at the effects hitherto produced, and see if they do not prove this statement. It seems to me, however, that under the plan of the Government there will be found rather a better council to assist the Minister than we have had before. I think it a great advantage that it is a smaller council, and that, I think, will, on the whole, cause its proceedings to be marked with more vigour and ability. I accept it as an improvement. But it is not in this particular only that I am desirous this Bill should pass. I do not consider that the matter under our consideration is only to settle the form of government for India. I hear one hon. Gentleman say that the Board of Control really governs India; while another says that that is not so, but that the Board of Directors are the governors of that empire. Now, I conceive it to be very incorrect to say, that either the Board of Control or the Board of Directors really exercises the chief authority in this respect. India is, and must be, governed in India. That is a fundamental law which we did not make, which we cannot alter, and to which we should do our best to conform our legislation. While such an extent of ocean and of continent lies between Calcutta and London, India must be governed there, and not here. Ay, in spite of all the improvements which science has made in the means of locomotion and transit, a despatch from India is not read in London until six weeks after it was sent from Calcutta. Suppose it is answered on the very day on which it is received here, six weeks more must elapse before the answer arrives at Calcutta. But we know quite well that no such despatch is answered on the same day as that of its arrival—very rarely indeed in the same month. The double government, whatever be its merits or demerits in other respects, is unquestionably not an expeditious government. When a despatch is received, it must be considered by many persons—many persons must have an opportunity of reading it, and both branches of the governing body at home must have opportunities of offering suggestions as to the answer to be sent out; and when you reflect on all this —when you take into consideration the delay which is the effect of your machinery and the effect of distance—you will see that when a despatch reaches Calcutta, it is a despatch not calculated to meet the state of things existing on its arrival, but such as existed six months before. No empire can be governed by precise instructions shaped to meet a condition of circumstances which existed six months before. All our own experience proves that this is impossible. We all remember when in July a Royal Speech congratulated Parliament on the increasing prosperity of the country; and yet, at Christmas, we were within twenty-four hours of a state of barter. We all, too, recollect when in autumn, all Europe seemed in a state of profound peace; and yet, in the next year, from the Vistula to the Bay of Biscay, there was nothing but war and insurrection. Even in the space of the very last month we have seen this. Suppose the ablest and clearest instructions for a scheme of foreign policy drawn out but six months ago, of what effect would they be at such a juncture as that in which we now find ourselves? It is, therefore, I say, utterly impossible that India can be really governed except in India. The instructions which go out are indeed very rarely precise instructions; they are generally expositions of principles. The business of the Home Government is rather to judge what is past, than to give positive instructions for the future; and even when their directions are most positive, there is almost always a proviso, that, after all, the local authorities must, with a view to the circumstances which exist when the instructions arrive, exercise their own discretion. The whole history of the Indian Government is full of instances to this effect; but, in my own experience, I can illustrate the proposition in the clearest manner, for, certainly, during the time when I was taking part in the government of India, I can venture to say that every day altered the measures that were taken by the Home Government—indeed, every measure of which history will hereafter make mention, was taken without any authority whatever from home. I believe that almost every one of those measures or acts was regarded with disapprobation at home; yet not one of them was rescinded or annulled, but every one of them was suffered to stand, the language of the home authorities generally being such as this:—"You have done wrong, but what you have done is done." That was most eminently the case with respect to that great reform made in 1835 by Lord W. Bentinck, before his departure from India, on the subject of the education of the Natives in European literature. Such was the case with respect to the abolition of the transit duties. On that occasion a severe reprimand came out with respect to the distinguished functionary who bore the chief part in that transaction. Nevertheless, the transit duties were abolished, and that great boon was secured to the people of India. The same was the case with respect to the Act which established the liberty of unlicensed printing. Then, a most severe reprimand came out from home on account of it, imputing rashness and temerity to the Legislative Council; nevertheless, the home authorities did not command them to undo that Act. It was the same with the Act which established an uniform coinage throughout India. A reprimand came out, but still the Act was not set aside. These instances, all taken from a period of little more than a year—a period certainly of less than a year and a quarter—will convince Gentlemen that the organisation of the Government in India is really much more important to the happiness of the people of that country than the organisation of the Home Government. I am not sure, Sir, with regard to many, and not the least important, of the functions of the Home Government, that I should not be inclined to say, that the most important of all these functions is the choice of the Governor General; but I should be inclined to say that even the character of the Governor General is less important than the general character and spirit of the servants by whom the administration of India is carried on. A test, then, by which I am inclined to judge of the present Bill, is the probable effect it would have on the character and spirit of the civil service in India. Is it likely to raise or is it likely to lower the character of that distinguished body which furnishes India with its judges and collectors ?—for, without meaning the slightest disrespect to the Court of Directors, I must say that three or four or six incompetent Directors would cause far less evil to the people of India, than a single incompetent collector in a district where a settlement is to be made between the Government and the villagers. Though many hon. Gentlemen fancy they know what the functions of a collector of revenue are, yet there exists, and I am surprised at it, a strange ignorance as to the power and importance of functionaries of that class in India. Some Gentlemen seem to imagine, putting the Indian collector at the very highest, that he is something like a Commissioner of Taxes or Stamps in this country; while the truth is, that the collector of revenue in many parts of India is the sole consul of a great province, the district assigned to him being about the size of one of the four provinces of Ireland, of Leinster or of Munster, and the population therein probably about 1,000,000 of human beings. In all that district there is not a single village—there is not a single hut—in which the difference between a good and a bad collector may not make the difference between happiness and misery. The difference between a good and bad collector to the people in such a district is infinitely greater than the difference between the very best and the very worst government that we have ever seen or are likely ever to see in England, can be to the people here. I have been assured by those who have had the best opportunities of judging, that you might read the character of the collector in the eyes and in the garb of the population—in the appearance of the fields, and of the houses. Where there was an incapable collector, the peasantry there were brokenhearted. In the first place, the ornaments of the women, in which the peasantry of India lay up their wealth, and which they so greatly prize, are sold—then the pressure overcame their fondness for the village to which they belonged, and emigration by hundreds and thousands took place. The villages became desolate, the jungle encroached on the country before cultivated, and wild beasts made dens where human habitations stood before. But let a good collector replace the bad one, and the whole scene is altered. Cultivation reappears, the jungle recedes, the tigers and beasts of prey are driven back to their former haunts, the houses rise again, and the fugitive population come back to their villages. Such a power as that which collectors in India have over the people in India is not found in any other part of the world possessed by any class of functionaries; and I can conceive that if we made the very best arrangements possible with respect to the home government, we should be rendering far smaller service to those millions for whom we are bound in the first place to take thought, than if we raised the capacity for the civil service. Some Gentlemen for whose ability I have great respect—though upon this subject I cannot agree with them—think the best mode of improving the government of India, is by throwing open the public appointments. Let the Governor General, they say, choose his instruments for the administration. There will be no want of ability, they say, if you only give him the freedom to choose those who serve under him. There is something plausible in the proposition that you should allow him to choose able men wherever he finds them. But my firm opinion is, that the day on which the civil service of India ceases to be a close service, will be the beginning of an age of jobbing—the most monstrous, the most extensive, and the most perilous system of abuse in the distribution of patronage that we have ever witnessed. Every Governor General would, in such case, carry out with him, or would soon be followed by, a crowd of relatives, nephews, first and second cousins, friends, and sons of friends, and political hangers-on; while every steamer arriving from the Red Sea would carry to India some adventurer bearing with him letters from some powerful man in England, all pressing for employment. Upon these persons so recommended the Governor General would have it in his power to distribute residences, seats at the Council Board, seats at the Revenue Board, places of from 4,000*l.* to 6,000*l.* a year—upon men without the least acquaintance with the character or habits of the natives, and with only sufficient knowledge of the language to be able to call for another bottle of pale ale, or to desire their attendants to pull the punkah faster. These men would be sent to exercise authority in different districts. One might be sent to a great station at Gwalior; or Khatmandoo, or Mysore, not inferior to Scotland in extent and population, might be made subject to his absolute power. In what way could you put a check on such proceedings? Would you—the House of Commons—control them? Have you been so completely successful in extirpating nepotism and jobbing at your own door, and in excluding all abuses from Whitehall and Somerset House, that you should fancy that you could establish purity in countries the situation of which you do not know, and the names of which you cannot pronounce? This is what you would be called upon to undertake. I believe most firmly that instead of purity resulting from that arrangement to India, India would soon be tainted; and that, before long, when a son or brother of some active Member of this House went out to Calcutta, carrying with him a strong letter of recommendation from the Prime Minister to the Governor General, that letter would be really a bill of exchange drawn on the revenues of India for value received in Parliamentary support in this House. That would be no new traffic, but only an old traffic revived. We are not without a guide and experience on this point. We have only to look back to those lamentable and shameful years which followed the first establishment of our power in Bengal. Then, as may be well known, if you only look to any poet, satirist, or essayist of those times, you may see in what manner the system of appointments operated. Looking over, only yesterday, for another object, a file of newspapers of 1771, I was struck by a paragraph stating that Mr. So-and-So, who went out with the Governor General only three years ago, had just landed with 40,000*l.* But it was not only so. There were the sort of men who took no office, but simply put the Governor General to a species of ransom; they laid upon him a sort of tax — what the Mahrattas call *choret*, and the Scotch blackmail—that is, the sum paid to a thief, in consideration that he went away without doing harm. There was a tradition in Calcutta, where the story was very circumstantially told and generally believed, that a man came out with a strong letter of recommendation from one of the Ministers during Lord Clive's second administration. Lord Clive saw that he was not only unfit for, but would positively do harm in, any office, and said in his peculiar way, "Well, chap, how much do you want?" Not being accustomed to be spoken to so plainly, the man replied, that he only hoped for some situation in which his services might be useful. "That is no answer, chap," said Lord Clive, "how much do you want? Will 100,000*l.* do?" The person replied, that he should be delighted if by laborious service he could obtain that competence. Lord Clive then wrote out an order for the sum at once, and told the applicant to leave India by the ship he came in, and, once in England again, to remain there. I think the story is very probable, and I also think that the people of India ought to be grateful for the course Lord Clive pursued; for though he pillaged the people of Bengal to give this lucky adventurer a large sum, yet the man himself if he had received an appointment, might both have pillaged them and misgoverned them as well. Now, against evils like this there is but one security, and I believe but one, and that is, that the civil service be kept close. The consequence of keeping the service close is, that though the Governor General has a wide choice, he must choose from among a certain set of instruments which he finds prepared to his hand. It is in the highest degree improbable that any one, upon going out as Governor General to India, should find many relatives or friends in the civil service—and it more generally happens that he has not one; and the consequence is, that the most unscrupulous Governor General would dispose of his patronage under the present system more properly than an upright Governor General under a system by which he should be at liberty to appoint any one. Even an unscrupulous Governor General, when he finds he cannot oblige relations and friends, comes to the conclusion that the best thing to do is, to appoint men who would do the most credit to his choice, and make the public service go on most easily and successfully. That excellent and valuable man, Lord William Bentinck, in the month he left India, said, "I have now been here seven years, and during that time I have had to dispose of immense lucrative patronage, and I have never but once in all that time been able to do a single service to a single old English friend." There was the office of a police magistrate vacant at Calcutta, not strictly belonging to the civil service, and Lord William Bentinck gave it to this friend of his who had fallen into distress. That was the single instance where Lord William Bentinck had an opportunity of appointing a friend, and he only did that by going out of the service. It may be asked, What a security is such a system for the proper disposal of the patronage? I say it is infinitely a better security than even the virtues of such a man; for if any man is to be trusted with the uncontrolled disposal of the Indian patronage, Lord William Bentinck certainly was. Then it appears we are agreed that it is of the highest importance that the civil service in India should be most capable and efficient. We are agreed also, that it must be a close service. In this case, it certainly necessarily follows that we ought to watch with the utmost care over the road to admission to that service—that we ought, if possible, to take such measures that this service may consist entirely of picked men, of superior men, taken from the flower of the youth of India. Now, it is because, in my opinion, this Bill does tend to produce that effect, that I feel earnestly desirous that it should pass, and pass without delay. My right hon. Friend (Sir C. Wood) proposes that all places in the civil service — all admissions to the civil service — shall be distributed among young men by competition in those studies—as I understand the plan—which constitute a liberal British education. That plan was originally suggested by Lord Grenville, in 1813, in a speech which, though I do not concur in every part of it, I would earnestly recommend every Gentleman to read, for I believe that since the death of Burke nothing more remarkable has been delivered. Nothing, however, on this point was then done; and the matter slept till 1833, when my Friend Lord Glenelg, the purest and most disinterested of men, proposed the adoption of a plan not altogether framed according to those views, but still a plan which would have introduced this principle of competition. Upon that plan twenty years ago I remember speaking here. I ought not to say here, for the then House of Commons has been burnt down, and of the audience I then addressed the greater part has passed away. But my opinion on that subject has always been the same. The Bill has passed; but difficulties were either found or made—the fault lies between the Government and this House; the Company were less to blame, as they had opposed the thing from the beginning. The enactments to which I have referred were repealed, and the patronage ran in its old course. It is now proposed to introduce this principle of competition again, and I do most earnestly entreat this House to give it a fair trial. I was truly glad to hear the noble Lord who proposed the present Amendment express approval of the general principle of that part of the Bill. I was glad, but not surprised at it, for it is what I should expect from a young man of his spirit and ability, and recent experience of academical competition. But I must say I do join with the hon. Member for Kidderminster (Mr. Lowe) in feeling some surprise at the manner in which that part of the plan has been spoken of by a nobleman of great eminence, once President of the Board of Control and Governor General of India, and of very distinguished ability, both as an orator and as a statesman. If I understand the opinions imputed to that noble Lord, he thinks the proficiency of a young man in those pursuits which constitute a liberal education, is not only no indication that he is likely in after life to make a distinguished figure, but that it positively raises a presumption that in after life he will be overpassed by those he overcame in these early contests. I understand that the noble Lord is of opinion that young men gaining distinction in such pursuits, are likely to turn out dullards and utterly unfit for the contests of active life; and I am not sure that the noble Lord did not say that it would be better to make boxing or cricket a test of fitness than a liberal education. I must say it seems to me that there never was a fact better proved by an immense mass of evidence, by an experience almost unvaried, than this—that men who distinguish themselves in their youth above their cotemporaries in academic competition, almost always keep to the end of their lives the start they have gained in the earlier part of their career. This experience is so vast that I should as soon expect to hear any one question it as to hear it denied that arsenic is poison, or that brandy is intoxicating. Take the very simplest test. Take down in any library the *Cambridge Calendar*. There you have the list of honours for a hundred years. Look at the list of wranglers and of junior optimes, and I will venture to say that for one man who has in after life distinguished himself among the junior optimes, you will find twenty among the wranglers. Take the *Oxford Calendar;* look at the list of first-class men, and compare them with an equal number of men in the third class, and say in which list you find the majority of men who have distinguished themselves in after life. But is not our history full of instances which prove this fact? Look at the Church, the Parliament, or the Bar. Look to the Parliament from the time when Parliamentary government began in this country—from the days of Montagu and St. John, to those of Canning and Peel. You need not stop there, but come down to the time of Lord Derby and my right hon. Friend the Chancellor of the Exchequer. Has it not always been the case that the men who were first in the competition of the schools have been the first in the competition of life? Look also to India. The ablest man who ever governed India was Warren Hastings, and was he not in the first rank at Westminster? The ablest civil servant I ever knew in India was Sir Charles Metcalfe, and was he not a man of the first standing at Eton? The most distinguished member of the aristocracy who ever governed India was Lord Wellesley. What was his Eton reputation? What was his Oxford reputation? But I must mention—I cannot refrain from mentioning—another noble and distinguished Governor General. A few days ago, while the memory of the speech to which I have alluded was still fresh in my mind, I read in the *Musæ Cantabrigienses* a very eloquent and classical ode, which the University of Cambridge rewarded with a gold medal. The subject was the departure of the House of Braganza from Portugal for Brazil. The young poet, who was then only seventeen, described in very Horatian language and versification the departure of the fleet, and pictured the great Portuguese navigator, Vasco de Gama, and the great Portuguese poet Camoens hovering over the armament which was to convey the fortunes of the Portuguese monarchy to a new hemisphere; and with pleasure, not altogether unmingled with pain, I read at the bottom of that composition the name of the Hon. Edward Law, of St. John's College. I must say I saw with some considerable pleasure that the name of Lord Ellenborough may be added to the long list of those distinguished men, who, in early youth, have, by eminent academical success, given an augury of the distinguished part which they were afterwards to play in public life; and I could not but feel some concern and some surprise that a nobleman so honourably distinguished in his youth by attention to those studies, should, in his maturer years, have descended to use language respecting them which I think would have better become the lips of Ensign Northerton, or the Captain in Swift's poem, who says—

> "A scholard when first from his college broke loose
> Can hardly tell how to cry *boh!* to a goose.
> Your Noveds and Bluturchs, and Omurs and stuff,
> By George, they don't signify this pinch of snuff;
> To give a young gentleman right education,
> The army's the only good school in the nation."

The noble Lord seemed, from his speech, to entertain that opinion. [*A laugh.*]

> "My schoolmaster called me a dunce and a fool,
> But at cuffs I was always the cock of the school."

But if a recollection of his own early academical triumphs did not restrain the noble Earl from using this language, I should have thought that his filial piety would have had that effect. I should have thought that he would have remembered how eminently splendid was the academical career of that great and strong-minded magistrate, the late Lord Ellenborough; and, as I have mentioned him, I will say that if there be in this world a trying test of the fitness of men for the competition of active life, and of the strength and acuteness of their practical faculties, it is to be found in the contests of the English Bar. Have not the most eminent of our Judges distinguished themselves in their academical career? Look at Lord Mansfield, Lord Eldon, Lord Stowell, Sir Vicary Gibbs, Chief Justice Tindall, Lord Tenterden, and Lord Lyndhurst. Look round the Common Law or the Equity Bar. The present Lord Chief Baron was senior wrangler; Mr. Baron Alderson was senior wrangler; Mr. Justice Maule was senior wrangler; Mr. Baron Parke was eminently distinguished at the University for his mathematical and classical attainments; Mr. Baron Platt was a wrangler; and Mr. Justice Coleridge was the most eminent man of his time at Oxford. Then take the Equity Bar. The Lord Chancellor was a wrangler; Lord Justice Sir George Turner was high in the list of wranglers; all the three Vice Chancellors were wranglers; Sir Lancelot Shadwell was a wrangler, and a very distinguished scholar; my friend Sir James Parke was a high wrangler, and a distinguished mathematician. Can we suppose that it was by mere accident all these obtained their high positions? Is it possible not to believe that these men maintained through life the start which they gained in youth? And is it an answer to these instances to say that you can point—as it is desirable you should be able to point—to two or three men of great powers who, having neglected the struggle when they were young, stung with remorse and generous shame, have afterwards exerted themselves to retrieve lost time, and have sometimes overtaken and surpassed those who had got far in advance of them? Of course there are such exceptions; most desirable it is that there should be, and that they should be noted, for they seem intended to encourage men who, after having thrown away their youth from levity or love of pleasure, may be inclined to throw their manhood after it in despair; but the general rule is, beyond all doubt, that which I have laid down. It is this—that those men who distinguish themselves most in academical competition when they are young, are the men who, in after life, distinguish themselves most in the competition of the world. Now, if this be so, I cannot conceive that we should be justified in refusing to India the advantage of such a test. I know there are gentlemen who say—for it has been said—"After all, this test extends only to a man's intellectual qualifications, and his character is quite as important as his intellectual qualifications." I most readily admit that his character is as important as his intellectual qualifications; but, unfortunately, you have not quite so certain a test of a man's character as you have of his intellectual qualifications. Surely, if there are two qualifications you want a man to possess, and which it is very important he should possess—and if you have a test by which you can ascertain the presence of the one qualification, but no decisive test by which you can ascertain the presence of the other—your best course is to use the test you have, and to leave as little as you possibly can to chance. This argument would seem unanswerable unless some person should say that the circumstance of a man's superiority in academical competition raise a presumption that he was inferior in practical judgment and manly rectitude. But if that could be shown, then the consequence would go a great deal further than the rejection of my right hon. Friend's proposal. It would go to this, that we must reconsider the whole system of English education, and remove our boys from those places where they are trained to studies which have a deleterious effect upon the character. There is another point on which I am desirous to say a few words. Some very able and judicious men, who are strongly of opinion—as strongly as I am myself—that it is important that there should be high intellectual tests for admission to the Indian service, are yet of opinion that this would be best managed, not by means of competition, but by having examinations of a high standard, and rejecting every candidate who does not come up to that standard. Now, all my experience and observation lead me to believe that this is a complete mistake. The effect of competition is to keep up the standard. Every man struggles to do his best, and the consequence is, that without any effort on the part of the examiner, under a system of competition the standard keeps itself up. But the moment you say to the examiner, not "Shall A or B go to India?" but "Here is A; is he fit to go to India?" the question becomes altogether a different one. The examiner's compassion, his goodnature, his unwillingness to blast the prospects of a young man, lead him to strain a point in order to let the candidate in if he possibly can. That would be the case even if we suppose the dispensers of patronage to be left merely to the operation of their own minds; but you would have them subjected to solicitations of a sort which it would be impossible to resist. I speak of what I know, and of what I have seen. I have known cases where public servants have been under the painful necessity of pronouncing young men, on examination, to be unfit for the public service. What is the consequence? The candidate declares that he will exert himself to the utmost, and that, if he be but tried, no endeavour shall be wanting on his part to discharge his duties satisfactorily. The father comes with tears in his eyes; the mother writes the most pathetic and heartbreaking letters. I have repeatedly seen very firm minds shaken by appeals of that sort. Now, the system of competition allows nothing of the kind—the parent cannot say "the other boy beat my son, but please say my son beat the other boy"—in that way the system of competition necessarily keeps your standard high, while the other system constantly tends to bring it lower and lower. I hope most earnestly it will not be supposed that in anything I have said I intend in the smallest degree to reflect on the present civil service of India. Some of the dearest and most valued friends I have in the world belong to that service, and for the general spirit and character of that service I feel the greatest respect and affection. I think it wonderful that a body of men not picked or chosen, but taken merely at random—appointed because one is the son of a Director, because another is the nephew of a Director, because the father of a third is some person who has been, perhaps, of great service to the President of the Board of Control at a contested election—I think it wonderful that men selected purely and avowedly on grounds of a personal nature, should have conducted themselves as they have done, and have discharged their duties under great temptation, under great difficulties, with so much success. It is, I think, a thing glorious to our country, that 800 men taken in that way—at random, from among the gentlemen of England—should have conducted themselves in general with such distinguished ability and probity. That, however, is no reason for not making the service better, if we can do so; and it is impossible to deny that we have proofs that the service is not entirely free from defects. How, indeed, could it be otherwise? You must necessarily have a certain number of inferior men in a service formed in such a manner—in a service consisting of 800 men, not selected on the ground of ability. Among any 800 gentlemen whom you might select at random, there would be a certain number of men of very superior powers; the great majority might be not very much above, nor very much below, the average of ability; but there must necessarily be, in every body of 800 men, not selected by some test of ability, a considerable number—say a tenth, or, if you please, a twentieth—who fall decidedly below the average of ability. Now, you can do very well with this in this country. You don't want all the clerks in the War Office, or the Treasury, to be superior men. There is plenty of routine business to be done in those offices which a man of no great ability can transact. The men of small ability do that routine business; the men of great ability rise in position. But the case is different in the Indian service. You have there 800 men charged with the happiness of 120,000,000 of people. There is not a single one of those men upon whose capacity the happiness of a very large number of human beings may not, in any situation, depend. It is utterly impossible that one-tenth part or one-twentieth part of that service can consist of incapable men without causing great suffering to thousands of individuals. And here, I believe, we find the real explanation of that which has appeared to me, from all I have been able to learn, the most defective point of our system in India. I quite agree with the noble Lord who moved the Amendment as to the evils of the judicial system in India. All the evidence leads me to that conclusion; but permit me to say that this is no novelty. Those evils were distinctly predicted before the Bill of 1833 passed. I heard them predicted myself. It was said by a very able man—"Your opening the China trade will, in one sense, inflict great evils upon the people of India, unless you alter the mode in which the patronage is dispensed. While patronage is exercised as it is exercised, there will always be a certain number of incapable men in the service. At present they are sent into the trade; your able men are left for judicial, revenue, and political positions. If you abolish the trade, you will still have the same proportion of incapacity in the service; but there will no longer be commercial affairs to which you can appoint these men of small ability, and you will send them to the judicial department." The prophecy has been strictly realised, for to the judicial department they have gone. The evidence before us leaves no doubt that, though there are very eminently able and useful men — as able and useful as any which the service comprises — in the judicial department, yet that in general it is to that department that men deficient in ability and energy are sent; and I do not blame the Indian Government for having taken this course; for, shocking as it sounds in the ear of an Englishman to say that the collection of taxes is more important than the admistration of justice, yet, practically, I do believe that the happiness of the people of a district in India depends more upon the ability of the revenue collector than even upon the ability of the judge. Now, what is the remedy for this? Not, I think—as some would propose—to strengthen the judicial department at the expense of the revenue department—not, in my opinion, to pour out upon India, as has been suggested, some scores of barristers from the back rows of the Court of Queen's Bench, and to give them office as Indian judges. The true remedy is to raise the general character of the service, and to take such measures that it may be in the highest degree improbable that any men who are really incapable—any men who are below par—will find their way into that service at all. I believe that the plan proposed by Her Majesty's Government will accomplish this end, and it is on that ground chiefly that I give it my most sincere and cordial support. One word more. It seems to me that this plan provides the best means that can be imagined for effecting an object upon which much has been said, and which I admit to be desirable—the gradual admission of Natives to a share in the higher offices of the government. Legally, they are now admissible; practically, none have been admitted. I do not blame those who do not admit them, for it is my belief that there is not in India a young Native whom it would be a kindness to the Native population to place, at the present moment, in your civil service. I can conceive nothing more unfortunate for the people of India than that you should put into the civil service a Native, because he is a Native, if he is to be the last man in that service, a man decidedly inferior in attainments to all the other members of that service, and who would be looked down upon by his European colleagues. Above all, I cannot conceive anything more pernicious than the suggestion which has been made, that before you admit any Native to the service at all—before any native has been even an assistant collector or a judge, you should take some Native, and appoint him a member of the Legislative Council. That, of all propositions, would seem to me least likely to promote the real benefit of the people of India. Under the proposed system it would depend on the Natives themselves, and upon them alone, at what time they should enter into the civil service. As soon as any young Native of distinguished parts should, by the cultivation of English literature, have enabled himself to be victorious in competition over European candidates, he would, in the most honourable manner, by conquest, as a matter of right, and not as a mere eleemosynary donation, obtain access to the service. It would then be utterly impossible for his European fellows to look down upon him; he would enter the service in the best and most honourable way; and I believe that in this mode, and in this mode alone, can the object which so many friends of the Native population have in view be attained in a manner at all satisfactory. I differ, I am well aware, as to the effect of the admission of Natives to such situations, from a noble Lord (the Earl of Ellenborough), whom I mentioned a short time ago. That noble Lord is of opinion, not only that we ought to exclude Natives from office, but that even by encouraging them to study the arts and learning of Europe, we are preparing the way for the utter destruction of our power in India. I must leave it to the noble Lord to explain what seems to me a rather singular inconsistency in his opinion. I am at a loss to understand how, while utterly contemning education when it is given to Europeans, he should regard it with dread when it is given to Natives. This training, we are told, when given to a European, makes him a bookworm, a twaddler, a man unfit for the active duties of life; but give the same education to the Hindoo, and it arms him with such an accession of intellectual power, that an established government, with an army of 250,000 men, backed by the whole army and navy of England, are to go down inevitably before its irresistible power. I do not pretend to explain how the knowledge which is power in one race, can be absolutely impotent in another; but I can only say, for myself, with regard to this question; that, in my opinion, we shall not secure or prolong our dominion in India by attempting to exclude the Natives of that country from a share in its government, or by attempting to discourage their study of western arts or learning; and I will only say, further, that, however that may be, I will never consent to keep them ignorant in order to keep them manageable, or to govern them in ignorance in order that we may govern them long.

Mr. BLACKETT said, he did not rise to combat the eloquent speech of the right hon. Gentleman who had just sat down, but to call attention to the extraordinary conduct of the right hon. Gentleman the President of the Board of Control. He was aware that one, who like himself, derived his knowledge of Parliamentary usages from books, was liable to mistake in discussing a point of Parliamentary precedent or law. He ventured, however, to ask whether the right hon. Gentleman had taken a Parliamentary or constitutional course when, in introducing his measure, he quoted the authority of Lord Dalhousie in support of it, and then refused to lay on the table of the House the despatches to which he had referred? The right hon. Gentleman, in reply to the hon. Member for Montrose, said it was not so much a despatch as a private letter. But when in a similar manner, at the period of the Canadian rebellion, Lord Glenelg spoke of a despatch as a private communication, Lord Brougham said, that whether a document began "My Lord," or "My dear Lord," was immaterial; the main fact was whether the matter of the despatch related to the public service. He would also ask the noble Lord the Member for the City of London, whether he recollected the occasion when, in 1808, Mr. Canning fell into the same fault by quoting a despatch from our Minister at Copenhagen which he refused to lay upon the table. On that occasion Mr. Adair, supported by the Whigs of that day, moved a vote of censure upon the right hon. Gentleman; and so sensible were Mr. Canning's Tory colleagues that he had offended against the laws of Parliament, that they only met the vote of censure by moving the previous question. The proceeding of the right hon. President of the Board of Control was not more defensible than that of Mr. Canning; and he wished to see whether the Whig Ministry of 1853 were as zealous guardians of Parliamentary practice as the Whig Opposition of 1808. In addressing himself to the question before the House, he would confine himself solely to the question of a double government in India. He dissented from the opinion of the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), when he said that this was a matter of small importance. No doubt, compared with the happiness of the millions of India, it was a matter of comparatively small importance; but still it must be remembered that it was the source and the spring from which all the other parts of the system flowed. On this question of double government he would make a special appeal to those Gentlemen who represented commercial and manufacturing constituencies, and who had distinguished themselves by their endeavours to introduce into public business the principles of economy, simplicity, and despatch. He believed there never was a system that more required the adoption of the principles of Bentham and Adam Smith—the principles of cheap government and cheap law—than the home government of India. He was sorry to find the noble Lord, in his recently published *Memoirs of Fox*, differing from the principles which that great statesman laid down on the government of India, and stating that the experience of seventy years had blunted Fox's arguments, which could not be logically refuted, and that the principle of despotism in the Indian Government was tempered by the spirit of our representative institutions. On this point he (Mr. Blackett) was directly at issue with the noble Lord, as he believed that the present Government of India possessed the vices of both forms of government, without the virtues of either; that it had all the oppression of despotism, without its impressive and sweeping energy; and all the vacillation and feebleness of representative government, without possessing the spirit of popular control. One main difficulty with which the Government had to struggle was, the irresponsible position in which English officers were placed in India; and for this difficulty there was no remedy except that of concentrating the government at home, and enforcing, with regard to it, the principle of responsibility—bringing public opinion in England to bear upon it with the greatest possible force. This could never be accomplished under a system of double government. Where two men performed the task of one, it was difficult to apportion the proper degree of praise or blame; and this was rendered infinitely more difficult where the real responsibility rested with one, while the great object was to persuade the public that the authority rested with the other. The hon. Baronet the Member for Honiton maintained that the whole work of Indian administration rested with the Court of Directors; but, in opposition to this, he need only quote from the memoirs of the late Mr. Henry St. John Tucker, just published, in which that gentleman lamented over the humiliating position in which the Directors were placed —a humiliation which he himself had deeply felt. He believed the real explanation of this difficulty to be, that, in point of fact, the administration was not a double one; or, rather, the two departments divided two kinds of administration between them. All the show, the levying of war, the raising of taxes, and all such duties, were decided on by the President of the Board of Control; but the public works, education, and all measures for promoting the civilisation of the people of India, which ought to be the work of the Directors, or of both together, were left to slumber under the bureaucracy of Leadenhall Street. The result was extravagance, negligence, and waste, which it would be impossible to parallel in any other government whatever. There were one or two points in the speech of the right hon. Gentleman the Member for Edinburgh which he would notice. The first related to the education of the natives of India. When that right hon. Gentleman went to India, the English mind was divided into two theories—whether the natives should be instructed in Oriental knowledge or in European learning. What was the part taken by the Court of Directors? In 1837 the then Governor General (Lord William Bentinck), instigated mainly by the masterly minute which was drawn up by the right hon. Gentleman the Member for Edinburgh on the subject, issued a proclamation that the fund for education should be employed in instructing the natives in European learning. Now, it was true that that change had been carried out in India, and a blessed change it was; but he had good reason for stating that when Lord William Bentinck sent home his despatch, the Court of Directors actually drew up a despatch condemning his Resolution, and ordering him to reverse it; but Sir John Hobhouse altered the despatch into one approving of the change, which the Court of Directors refused to accept, and the consequence of which was that no despatch on the subject had ever been sent out at all, and that great change had to this day received neither the sanction nor the censure of the Home Government. In another observation of the right hon. Gentleman he fully concurred—that India was to be governed only in India; and it was his complaint against the home authorities that on this point they were constantly overstepping their legitimate powers, and abandoning that wise course which had been adopted in regard to our colonies of leaving as much as possible to local legislation. By the 43rd clause of the Charter the right of making laws was vested in the Indian Legislative Council; but in 1845, when a Bill declaring the *lex loci* of India was prepared by the Legislative Council, and sanctioned by Lord Hardinge, the Court of Directors sent out a despatch demanding that no such law should be passed till it had been submitted to their decision. For what purpose did he mention these things? In order to test the tendency of the Home Government to outstep their authority. The Home Government possessed the same power over Indian legislation as the Crown did over colonial. It would be in the recollection of the House that the only interference with legislation on the part of the Crown on record was on an Indian question—namely, when Mr. Fox was passing his India Bill through the Lords, and a note was circulated that George III. would not consider those Peers as friendly to him who opposed that measure. He would ask what were the changes to be introduced by the Ministerial Bill? He must say that it was his impression that the right hon. Gentleman the President of the Board of Control was about to leave the question of the double government of India in a worse position than he had found it. The Bill introduced six nominees of the Government into what was formerly a homogeneous body, and left it at the mercy of the Minister of the day. He had no objection to strip the Directors of some of their prerogatives, but he objected to stripping them of those prerogatives in order that they might be transferred to the Crown. There was not, moreover, a single clause in the Bill which increased the responsibility of the President of the Board of Control—there was not even a proviso that there should be an Indian budget every year; but the President of the Board of Control was left at full liberty, should he desire it, to juggle with the names of the Indian Committee, and to sign the names of the Chairman and Vice-Chairman at the foot of every Indian despatch. He knew it would be said that the only escape from all these difficulties was the establishment of a Parliamentary Government. He knew he should hear it asserted that India was better governed than our colonial dependencies. But let them take as a test the comparative imports and exports of India and our Colonies—their relative population and their consumption of British manufactures, and he believed it would be found that the Colonial Office would beat Leadenhall Street out of the field. If they took the instances in which Parliament interfered with our Colonies, and compared the amount of evil with the good caused by that interference, it would be found that the evil was very little, and the good was very great. Where would free trade in our Colonies have been —where would negro emancipation have been—but for the interference of Parliament? Where would the freedom to the Indian trade granted in 1813 have been, had it not been that the pressure of Liverpool had been brought to bear on Parliament? Where would the missionary efforts have been but for Mr. Wilberforce? It was Parliament which had passed the clause admitting Natives to offices—it was Parliament which had established that Legislative Council to which he had referred. The President of the Board of Control had, in introducing this Bill, made a special appeal to the House that it might not be made the theme of party conflict. Now he, for one, did not dread the exhibition of a party spirit, believing that from hence some of the noblest efforts of statesmen had originated; but if party spirit were, as the right hon. Gentleman hoped it would, to be excluded altogether from this debate, there should have been no Treasury whips this evening—there should have been no hints thrown out that Government might be possibly annoyed by the division. If the question were to be fairly left to the impartial spirit of the House, he, for one, should have no fear of the result. He felt that it was to the commercial Members of that House that he was to look for a support of the Amendment proposed by the noble Lord (Lord Stanley); and if that Amendment were fairly put, as a question of economy against wastefulness, of simplicity against intricacy, he should have no fear of the verdict which would be pronounced by the dispassionate feeling of an impartial Parliament.

Mr. Blackett

Viscount JOCELYN said, that having often brought forward Indian questions, he was desirous of addressing the House on this occasion; and of doing so, not in a party spirit, but with a wish to do justice to the subject; and while acknowledging the defects and demerits of the Indian Government, to give it credit for what deserved approval in its administration; the only object he had in view being to point out the best mode of improving that Government. The present, perhaps, was a fortunate period for bringing forward the subject, because the disruption of party ties had left the House at liberty to consider the subject in an unbiassed frame of mind. It was most important to consider it in a fair and impartial spirit. The representatives of a free people, who were proud and jealous of their constitutional privileges, were about to legislate for a people wholly destitute of these advantages, and to give them a despotic Government—the only Government they were capable of receiving. When the British Parliament was about to form a Government for India on the principles of despotism, it was their duty to frame such a Government in a paternal spirit, and as much as possible adapted to the wants and wishes of the people. In framing a Government for India, it was necessary to look back to her past history, for in the history of a people we could trace the character of the race. For centuries India had been subject to strife and invasion, and had found under our rule the blessings of security and peace. The rise and progress of our own rule in India was one of the marvels of history. Scarcely a century ago we were only a company of merchants on a hostile shore; since then our empire had extended and expanded almost against the wishes of our rulers. It was clear that a far higher power than human will had destined the vast extension of our Indian rule; and therefore our object ought to be, not so much to prepare the natives of India for self-government, as to prepare them to take part with us in her internal administration, and teach them the blessings of a Christian rule. He was sorry that, though there were few points of difference in principle between himself and his noble Friend (Lord Stanley), he felt compelled to vote against his noble Friend's Amendment. He could not, however, do otherwise, considering, as he had stated a few weeks ago, that Parliament already possessed sufficient evidence to enable them to form a Government for

India, and he did not know what advantage could be gained by waiting for further information. He knew that his hon. Friend opposite (Mr. Hume) was anxious that the Natives should have been heard before they framed a measure for their rule. So also was he; but at the same time he did not think that the opinions of the Natives could assist them towards the conclusion as to what the Government of India should be. He could not agree with his noble Friend (Lord Stanley) that delay in legislation was unimportant. He did not, it was true, believe that the effect of delay in legislation would be the upsetting of British rule in India; but he felt that delay would tend to paralyse the Government both at home and abroad, and would engender in the minds of the people of India hopes and expectations which could never be fulfilled, and which must eventually lead to discontent. He did not in all respects approve of the Government measure; but this he would say—whatever they did, let them legislate now, and let not the people of India think that they were hesitating as to the course they would adopt. Look to the past, and see what had been effected by the Indian Government. First, with respect to revenue. He was astonished to hear it said by a learned Gentleman that the course of the Indian administration as to land assessment had been disgraceful. Such language was, to say the least, very presumptuous, when it was considered that some of the wisest and most experienced of the servants of the Indian Government, after twenty years' residence in the country, had not been able to arrive at a clear conclusion on that most difficult subject, which had engaged the consideration of Lord Cornwallis, Sir T. Monroe, Mr. Holt Mackenzie, and others of the most illustrious men India had ever known. The system now adopted—that of leases—had been an improvement, and it could not be said that on this subject the Indian Government had neglected its duty. Next, as to the judicial department. He admitted it had been one of the greatest blots on our Indian administration. But the very pamphlet of Mr. Norton—the great source of the accusations against the Company on this head—was compiled from statements procured by the Company themselves in their anxiety to promote improvement. Then, with reference to education. Nothing was more important for Christian rulers than to provide the blessings of education for the people. He admitted that what had been done on this subject was below what it ought to have been; but he could not admit that the Government had neglected its duty. Native youths were seen, who were educated in our schools, and were now taking part in the literature and politics of the day, and the very petition presented upon this subject from Natives of India proved the progress they had made. Suttees and infanticide had been abolished under our rule; and he could not say that if the Indian Government had not fully performed these duties, they had wholly neglected them. He now came to public works. He was fully sensible of their advantage. He himself had first brought forward the question of railways in India; and in his travels through that country he had seen the injuries arising from the want of irrigation displayed in all the horrors of famine. He had even entered villages depopulated, and spots where once the cottages of men had been, now the haunts of the panther and the tiger. He could not deny, when he saw the small sums expended by the Indian Government on public works—when he found that out of the revenue—between 28,000,000*l.* and 30,000,000*l.* a year, only 5,000,000*l.*, in the whole, had been spent in public works—it might truly be matter of wonder that the Indian Government should have been so regardless of their own interests. But his wonder was diminished when he found that during that period 16,000,000*l.* had been expended in unjust and reckless war—the wars in Scinde, the war in Affghanistan—a war not called for by our security, and which almost terminated in our disgrace. The Governments which carried on those wars ought to have been brought to the bar of Parliament; but the truth was, Parliament had not felt any interest in the subject. It was idle to pretend that the Home Government were not responsible for these wars. The President of the Board of Control had been as much responsible for the affairs of India, as the Secretaries for Foreign Affairs, and for the Colonies, were responsible in their respective departments; and it was Parliament alone that was to blame for this dereliction of duty on the part of the Government. He was desirous of imposing some species of check upon the Minister, to prevent his acting in opposition to the will of the Directors. The truth was, that Parliament had neglected its duty, and it was not fair to rest the blame upon the Company. It was not true that the Government of India was a curse to the country. If this were so, it was a terrible slur on the character of this nation. But it was not so. The simple fact was, that an Englishman might walk unarmed all through India, and be received everywhere with civility and courtesy. They held India at this moment with a force of 40,000 men; and yet since 1833 they had had no insurrection against their authority in India which had called for any interference on the part of Parliament; but he would remind the House that since that period they had had a rebellion in Canada; they had had two wars at the Cape of Good Hope; they had had a revolution in Ceylon, and an insurrection in New Zealand; and during all that time not a single arm had been raised against British rule and authority in India. They had there a faithful army of upwards of 200,000 following their banners, and acting and co-operating with them in the field. These were all facts which could not be denied; and he firmly believed that the rule of the British Government had been, on the whole, a blessing, and not a curse, to the people of India. He came now to consider the measure proposed by the Government. In the principle of that measure he entirely concurred. He thought the propositions of his right hon. Friend went in the direction in which he himself wished to proceed. One of the great evils of the present system, as regarded the Court of Directors, was the system of canvass; and he did not think that there could be any good grounds urged for maintaining the present system—it was utterly indefensible. He thought the canvass a bad arrangement, and the Court of Directors so constituted a monstrosity. Then, with regard to the six new Directors whom it was proposed to introduce. Friend as he was of the double government—believing, as he did, that it was necessary that the debates upon Indian matters of detail should be kept out of Parliament, and not discussed in that House—that it was necessary, if they did not mean to extend constitutional government to India, at least to give the means of discussing the question of what was advantageous or otherwise to the interests of the people of India, by men of experience, knowledge, high position, and character—he was an advocate for the maintenance of the Court of Directors. He thought the Court should be established and maintained for these reasons; but he was satisfied that many able men were excluded from tendering their services to the Indian Government owing to the difficulties attending the canvass. He did not dissent from the appointment of six new Directors as regarded the principle of such an infusion of a new element; but he thought it most essential that they should appear to the public independent, and that there should be no doubt about their exercising an independent action. He doubted, however, the efficacy of the means taken to attain that object. The tenth clause merely provided that they should be nominated by the Crown; but in order that they might not remain dependent on the caprice of a Minister, the most effectual means would be to make them removable by Parliament only, as in the case of Mr. Fox's India Bill of 1784. In regard to the question of patronage, he concurred with his right hon. Friend in thinking that Ministers were right in throwing open the civil service of India to general competition; but he did not consider the mode in which this was proposed to be done one that would possibly work. He doubted whether any satisfactory decision as to the merits of the candidates could be arrived at from the proposed examination, and thought it would have been far better that the patronage should have been given to the great public schools—he did not mean the schools of the Church of England, but the schools and large seminaries throughout the country; otherwise a large portion of those who were entitled to compete for it would be shut out. The effect of the Ministerial proposition would be to shut out from patronage a large class of persons who had hitherto looked forward to it as a provision for their children. He did not say that was a sufficient reason why it should not be thrown open to competition, as it was their duty to procure the best and ablest men for the public service of India. He concurred with his right hon. Friend in thinking that a portion of the appointments in the military service should be reserved for the servants of the East India Company. Whilst not disapproving the plan of throwing open the civil service to competition, he thought it would be well that the appointments should be distributed by the authorities of India. It was not a man's passing an examination creditably here that should give him a right to a place, but proofs given of character and abilities such as would justify the Government of India in conferring a high trust on him. He felt bound to add, that he knew it was the opinion of some of the highest authorities that there would be no small danger in opening the whole of the civil service to the Native population. He had endeavoured to state his views and opinions with reference to the future government of India. He could assure the House that his statement had been made from no other motives but what he believed to be for the public good. He had turned his attention to India at a time when few persons had done so. He believed, from all he had seen of that mighty empire, that the real improvement of India was not to be effected by the Court of Directors, or the Board of Control, but by those whom they would entrust with the government of India. He said, give these functionaries great power and great responsibility, and call them in question if they did not perform their duty in a satisfactory way. There were some who looked forward with distrust and gloom to the future prospects of our rule in that vast territory; but he was not afraid to avow himself more sanguine. The people of India, as they gained political information, would learn that they enjoyed greater prosperity and comfort under our administration than they had ever obtained under other foreign rulers, or under their native princes; and, learning to live and respect their governors for the blessings they received at their hands, they would make allowances for inevitable deficiencies. Knowing our faults as they did, they yet were evidently disposed to consider them in a more generous spirit than was evinced by many Gentlemen on the benches opposite.

Mr OTWAY said, that throughout all the various speeches that had been made in the present debate, he observed a universal concurrence as to the importance of the question that was now engaging the attention of the House. That question was one of such magnitude that he would almost have shrunk from obtruding on the House the opinions of a Member so inexperienced as himself; but since the Amendment of the noble Lord the Member for Lynn had been moved, the question had assumed a somewhat different aspect. It no longer referred exclusively to the determination of a form of government for India; but they had the alternative offered to them of delaying a decision, and were thereby afforded an opportunity of acquiring further information on this subject. He had heard nothing to induce him to alter the opinion he expressed in the House when the question was first mooted—that before they proceeded to legislate for India, it was expedient to obtain from the Natives themselves some information as to their wants, their opinions, and their views in the matter. He could not think it wise or just to legislate for a population of 150,000,000, differing from us in language, laws, and religion, without having done so. The advocates of delay, on the ground that it was necessary to collect further information before legislating, had been taunted by the right hon. Gentleman the President of the Board of Control with having already made up their own minds decisively to oppose the present system; but it appeared to have escaped the penetration of that right hon. Gentleman, that this measure might be regarded as a bad measure, and that those who were opposed to it might, with perfect consistency, consider it their duty to stir up discussion and expose the iniquities of the system they condemned, until the supporters of the Bill were obliged to yield to agitation what they denied to reason and justice. But the main feature of this Bill was the continuance of the system of double government for India—a system which was attended with two of the gravest evils, irresponsibility and secrecy. This was strikingly illustrated in the case of Colonel Outram, the resident at Baroda, who felt it his duty to bring charges of corruption against the officers of the Company; but the conduct of the Government prevented these charges from being properly investigated. Again, it had been proved over and over again that the Court of Directors had been compelled by the President of the Board of Control to sign despatches to be sent out to India, against the contents of which the majority of them solemnly protested; and on the other hand, Mr. Campbell, an eminent authority on this point, declared that it was most difficult to determine the authorship of any despatch. Therefore, the double system was manifestly what the right hon. Gentleman the Member for Buckinghamshire would call an organised hypocrisy. The right hon. Gentleman the Member for Edinburgh had alluded to the prosperity of the people of India, and referred for the proofs of it to the dress, ornaments, and general appearance of the native population; but Mr. Marryatt, speaking of the Bombay Presidency, said that the people were verging on the lowest state of pauperism; and other eminent authorities bore testimony that there were everywhere marks of general deterioration. Another point to which he would briefly refer, was the administration of justice. He was astonished to hear the right hon. Gentleman the President of the Board of Control say, that the Judges of India were universally believed to be incorruptible. The very reverse was the fact. A circular was recently sent round to fifty of the principal officers, judges, commissioners, and political officers of the Bombay Presidency, requesting answers with regard to the feeling of the Native population of their respective districts as to the integrity of the judges; and the result was that thirty-eight out of the whole fifty of these officials returned answers to the effect that among all classes of the inhabitants of Western India there was a belief in the corruptibility of the persons appointed to administer justice. Nine declared their partial belief to the same effect; and only three out of the fifty gave a negative reply; and of these three, two of them were, he believed, British agents in non-regulation provinces, and the third, he regretted to say, was an individual who was accused of being personally implicated in dishonourable transactions. He (Mr. Otway) need not cite instances in illustration of this state of things; but the case of Jotee Persaud, a native contractor, who had rendered great services to the army, and who, when he sent in his bill for 400,000*l.*, instead of being paid, was placed in the felon's dock upon a fictitious charge, was familiar to the public. With regard to public works, he should really have thought, after the able articles which had recently appeared in the *Times* and other papers, that the right hon. Gentleman would scarcely have spoken so highly in praise of them as he had done. The hon. Baronet the Member for Honiton had taken great credit for the canal connected with the Godovery river; but he forgot to mention that the works ought to have been, and might have been, constructed many years ago, and for a less sum than was spent by the Directors upon dinners in Leadenhall-street. Again, could the hon. Baronet deny that the revenue of India was in a perpetual state of deficit—that the charges were constantly increasing in a greater ratio than the revenue—that at this moment the resources of the country were being squandered in a Burmese war—and that the finances of the country were largely dependent on the opium trade, which rested upon a most precarious footing? With regard to the existing form of double government, he asked if there was anything about it to recommend it to them? The House were aware how the Directors were elected, and that those gentlemen most distinguished in the Indian service were almost never chosen. The right hon. Gentleman the President of the Board of Control had directed that, in the course of a few months hence, the thirty gentlemen who at present formed the Board of Directors should, somehow or other, make themselves into fifteen. But how was this process of elimination to be carried out? Was the hon. Baronet the Member for Honiton (Sir J. W. Hogg), like another Brutus, to sacrifice the hon. Gentleman the Member for Berwick-on-Tweed (Mr. Marjoribanks); or was the hon. Member for Berwick-on-Tweed to raise a parricidal hand against the hon. Member for Honiton? However the matter might be accomplished, he believed that it would not be the best members of the Board—it would not be those most acquainted with the affairs of India—that would remain in the direction. The right hon. Gentleman had said that the Directors were necessary for the distribution of the patronage of the Company, because, if the Directors were not there, that patronage might be made instrumental for increasing the influence of the Crown. Now, he (Mr. Otway) could not admit that such a conclusion necessarily followed from such a premiss, because a mode of distributing the patronage of India might be devised by which a portion of it should be set apart, as had been suggested, for the sons and orphans of the servants of the Company, civil or military; and another part might be put up to public competition, not at Haileybury or Addiscombe merely, but at all the public schools of the kingdom. But, on the other hand, he conceived that these fears of the increase of the power of the Crown were idle and chimerical, and no more rational in these times than any unworthy apprehensions of the increase of the power of the aristocracy. There might have been cause for such an apprehension in Pitt's day; but he did not think there was any in these days. Recent events had shown that the institutions of this country were rooted in the hearts of the people; but if there was one thing more repugnant than another to Englishmen, it was an irresponsible bureaucracy; and such a system it was that they were now called upon to maintain for the people of India. He said that by that bureaucracy the faith of treaties had been violated, the Native population had been impoverished, degraded, and oppressed; and for these reasons he was anxious to release India from the grasp of a rapacious Company. He should vote for the Amendment of the noble Lord, because the Government Bill contained no remedy for the evils of which he complained, and because it proposed to carry on the government by means of those who had shown themselves unfit to be entrusted with it.

MR. ADDERLEY rose for the purpose of making a suggestion, which he thought would put the question before the House in that simple position in which it seemed to him it really ought to present itself to their minds, and which, besides, offered the advantage of a much smaller field of discussion than that over which the debate had hitherto travelled. He could not but think, indeed, that if the question were simply, succinctly, and clearly placed before the House on its true merits, no independent or unbiassed Member could possibly hesitate to prefer the Amendment to the Motion. He fully agreed in all that had been said by those who had gone before him with regard to the great importance of the subject they were discussing; and he believed that upon the wise treatment of the question of the government of India would depend their retention of that great dependency. The question was, would they accept the Bill proposed by the Government, or would they accept the alternative proposed by the noble Lord? There were some, however, who seemed to think that a third course might be taken, because they did not think the bearing of the noble Lord's Amendment. The right hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) thought that they might condemn both the Bill of the Government and the Amendment of the noble Lord, and yet so alter the Bill in Committee that he could arrive at the object he had in view; but in the course of the speech of the right hon. Baronet, it was clear that he contemplated the cutting up of the Bill in such a manner that nothing essential of the Government Bill would remain, and he would end by virtually having the same measure as that which was proposed by the noble Lord the Member for Lynn—namely, nothing more or less than a Continuance Bill. It appeared to him that certain hon. Members who had spoken were not aware of the full bearing of the noble Lord's Amendment—that they were ignorant of the fact that the noble Lord's proposition involved the necessity of passing a Continuance Bill, for the purpose of affording time for the more deliberate consideration of an amended Act; and he would therefore suggest the addition of a few words to the Amendment, to make that point clear to everybody. With regard to the Bill before the House, he really had not heard one single individual unconnected with the Government, either in or out of the House, attempt to defend it. The East India Company condemned it; and the Manchester Chamber of Commerce condemned it; he hardly knew which condemned it most loudly. There might seem to be one exception to his remark in the speech of the right hon. Gentleman the Member for Edinburgh, who from the Treasury bench had undertaken the defence of the measure; but he appealed to the House whether, after all, that eloquent address was not the most remarkable condemnation that had yet been passed upon it. For what had the right hon. Gentleman done, in order to enable himself to undertake the defence of the Bill? He had been obliged to lay down principles which excluded from the discussion the first three-fourths of the Bill, containing the main features of the measure. The right hon. Gentleman, for example, had told them that the Home Government was not the principal subject to discuss; he allowed, indeed, that that was an important question, but said that the Government of India was a still more important question. That might be so; but was not the alteration of the Home Government one of the main features of the Bill? Was it not the fact, too, that almost all the eloquence of the right hon. Gentleman was expended on the 35th clause of the Bill? ["Hear, hear!"] Well, then, he would ask the Government, if, adopting the right hon. Gentleman's defence of their measure, they would be ready to omit the first 34 clauses, and limit the Bill to those parts of which the right hon. Gentleman had expressed his approval? If they did, he believed that the Bill would be allowed to pass without opposition. What had been said against the Amendment of the noble Lord the Member for Lynn? The one sole objection that he had heard to it was, that it would cause delay; but everybody allowed that as much delay attached to the Bill as to the Amendment. The only question was, what sort of delay would be the best, whether the delay of a provisional and temporary form of government, or the delay of a Continuance Act. For his own part he should prefer the latter. It had been said that they must do something, because the British empire in India rested upon public opinion in that country. What sort of public opinion was referred to?—was it a blind and barbarous public opinion, that mere rapidity of action would dazzle? If so, that was not the public opinion they ought to respect in India; and there was in that country a higher class of public opinion to refer to. He thought that public opinion would be much better consulted by the cautious adoption of wise Acts, than by the most rapid passage of crude and imperfect measures. It was said that the first part of the Amendment was not borne out by the fact that "further information" was not necessary. He did not care whether we wanted "further information" or not; but he maintained that there could not be a better proof that we wanted more preparation than that which was afforded by the Bill itself. The only means they had of knowing what were the real intentions of the Government, was, by the few letters that had passed between them and the Court of Directors. In that correspondence, the right hon. Baronet the President of the Board of Control told the Directors that he wanted to make them a better instrument of government, and, at the same time, to maintain their independence. Now, the way in which he proposed to maintain their independence, as laid down in the Bill, was, by introducing six Government nominees. The Bill, therefore, did not meet the avowed object of the Government; for, instead of maintaining the independence of the Directors, it did quite the reverse. The right hon. Gentleman the Member for Edinburgh told them, most truly, that the Government of India must be a despotic form of government, and he also told them that for India to be well governed it must be governed in India. If this was so, then the object should be to make the references home as few, as free, and as simple as possible, and that those references should, if possible, only be made on questions clearly affecting Imperial interests. Now, the system of duplication in the governing body at home prevented this simplicity of reference, and that was one strong reason why this duplication should be removed. In conclusion, he would say, that if the measure proposed by the Government was such, that their great champion, the right hon. Gentleman the Member for Edinburgh, had to shirk every great principle of the Bill, and rest almost entirely on one clause at the conclusion of it, little would be required to induce him to support the noble Lord the Member for Lynn, and vote for further time. At the same time, he would take the liberty to suggest to the noble Lord, that he should make his proposal still more clear, by adding to it the following words:—"And that it is expedient to continue the present Act for the government of India for two years."

MR. MANGLES said, he would not have spoken on the question were it not that his silence might have been misconstrued, and that it might be considered he was willing to allow judgment against the Court of Directors to go by default. From one section of the House he certainly thought he was entitled to a fair hearing—he meant those Gentlemen who clustered so closely below the gangway, and who went by the name of "Young India," because he had always been an earnest and laborious reformer, and had never attempted to conceal the errors and shortcomings of the East India Company, with which it was the pride of his life to be connected, but, on the contrary, had always done his best to remedy them. But the hon. Member for Manchester (Mr. Bright) had taken advantage of his candour, and, in alluding to his evidence, had carefully suppressed the fact that his (Mr. Mangles') preponderating conviction had been expressed in favour of the Company, although he had never failed to point out the blots in our Indian administration. And here he must observe that the only good argument in favour of delay came from the almost incredible ignorance of Indian affairs exhibited by some of the Gentlemen who had spoken on this question. He believed that the Indian Government had nothing to gain from concealment; but that, on the contrary, the better it was known the more favourable would be the judgment formed of it. If the East India Company had committed no errors, then it would be very unlike any government that ever existed; but he honestly believed that it was the best government of a great dependency that the world had ever seen, and he was satisfied that impartial history would not fail to do it full justice. He did not think that he was called upon to defend the measure of the Government; and, for his part, he should be ashamed to make any objections to that part of their scheme which affected the Directors personally. The retention of the principle of double government was, in his opinion, the great recommendation of this scheme, which happily reconciled the difficulty of having a superintending control lodged in the Supreme Government, and at the same time having some intermediate body standing between India and the strong political action of the Home Government. It was insisted that a direct Parliamentary responsibility was needed. Well, they had a direct Parliamentary responsibility, fixed in a Minister of the Crown, who had the power of deciding on all matters relating to peace and war. But, he would ask, what had direct Parliamentary responsibility done for our Colonies? What had it done for Canada? Had it prevented the Kafir war? Had it been of any use to Ceylon, or had it averted an inundation of convicts into our Australian colonies? The hon. Member for Manchester, in one of his recent "starring" excursions in the provinces, had had the rashness to say that the debt of India had increased to the extent of 20,000,000*l.* since 1833, and that assertion had been repeated by the noble Lord the Member for Lynn. [MR. BRIGHT: It is stated in the evidence of one of your own servants.] But what was the fact? If the hon. Member would take the trouble of referring to a Parliamentary paper recently laid on the table of the House, he would find that the Indian debt ostensibly up to 1851 had been only increased by 13,000,000*l.*, while the balance in the Treasury had been increased by 4,000,000*l.*; so that the real increase of debt during the period mentioned had been only 9,000,000*l.* The noble Lord the Member for King's Lynn made a statement with regard to the Punjaub, the fallacy of which was so great that he (Mr. Mangles) wondered that it could have been entertained by a mind so acute as his. The noble Lord said there was an apparent balance of 500,000*l.* annually against the Punjaub, and he then called upon the House to consider the enormous military establishments we had there. But those were charges against the revenue of the North-Western Provinces, on the revenue of Bengal; and if they were so charged on Bengal, if the noble Lord would inquire he would find a corresponding balance there to cover the expense. Again, if they had such a number of troops as was complained of in the district of Lahore, the House must recollect there was a corresponding decrease in other districts. It was asserted that the finance of India was in an awful state, and the word "bankruptcy" was not unsparingly applied to that finance; whereas the fact was, that taking the last four years, deducting the deficiency of one year from the surplus of the other three, there was a surplus revenue of not less than 850,000*l.* With respect to the complex subject of the public works, if the Government had not done in that way what might have been expected of them, it was because of the lack of money. The funds that might have been usefully expended on those public works had been squandered in wars, in the origin of which the East India Company had little or nothing to do. He might say, in reference to those wars and the parties interested in them, it was the old story — *delirunt reges, plectuntur Achivi.* Talking of the public works in India, let the House think for a moment on those at home. Let them look at the Woods and Forests, for example. Was there any part of the administration of India, with regard to public works, so discreditable as the management of the Woods and Forests in this country, though they were entrusted to the care of a Minister specially appointed for the purpose? With respect to the employment of the Natives, he did not think the Government had proceeded so rapidly as it might have done. At the same time, nothing could be more cruel to the Natives themselves than to thrust them prematurely into offices which they were unable to fill. It appeared to him that they ought to be introduced gradually into the administration of affairs.

On the Motion of Mr. F. VILLIERS,

Debate *further adjourned* till *Monday* next.

PARISH VESTRIES BILL (No. 2).

Order for Committee read.

House in Committee.

MR. BAINES said, that at present a rate might be made on a Saturday, and published on the church door on Sunday, so that a person attending a vestry meeting held on the following day might have it demanded of him, and he would be disfranchised unless he was prepared to pay it on the spot. The object of the Bill was to enable persons to vote if they had paid all rates made within six months previous to the holding of the vestry. He thought, however, that three months would be a sufficiently long period, and he begged to move that the blank be filled up with that time instead of six months.

MR. HENLEY thought that two months would be sufficient.

SIR GEORGE PECHELL said, he must defend the original proposition. He knew very well that there was no use in resisting the Amendment, though he certainly did not approve of it; and he had no alternative but to consent to the limitation of three months, if it was insisted on by the right hon. President of the Poor Law Board.

House resumed; Committee reported.

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 27, 1853.

MINUTES.] *Sat First in Parliament.*—The Earl Strange, after the death of his Grandfather.

PUBLIC BILLS.—1ª Soap Duties; Petty Sessions (Ireland); Summary Jurisdiction (Ireland).

2ª Excise Duties on Spirits.

3ª Charitable Trusts; Income Tax.

INDIA—THE DUTY ON SALT.

The MARQUESS of WESTMINSTER *presented* a petition from the inhabitants of Northwich, praying that in any arrangements for the future government of India, provision may be made to permit English salt to be imported into all parts of British India upon the same terms and conditions as other goods and manufactures. The noble Marquess said, the subject of the petition was one in which the inhabitants of the county with which he was connected felt the deepest interest. Its great importance was much increased at this moment from its being intimately connected with the subject now under discussion in the other House. In the county with which he was connected there were 5,000 ablebodied men constantly employed in the salt-works. The average quantity of salt annually extracted from the rock and by means of drying was 600,000 tons. Great as this quantity was, it might be much increased if facilities were afforded for carrying the article to distant countries where it was required, and from which an interchange of commodities might be obtained. What prevented this most natural interchange of commodities in the case of India? The duty of 6*l.* 16*s.* per ton upon the importation of salt. The duty actually amounted to twenty times the value of the article itself. It was impossible to understand the motive for such a policy: it was disadvantageous in every way. If the advantage from opening the trade would be great to the commercial gentlemen of Lancashire and Cheshire, it must be much more so to the unfortunate Hindoo, who during eight months of the year lived entirely on rice, and during the other four months on any other vegetable matter he could obtain. Salt to the Hindoo was an absolute necessary of life, and it saved him from disease and death. Notwithstanding the importance of a sufficient and pure supply to the people of India, the policy pursued by the Government of India had introduced a system of adulteration which was utterly incredible. It was well known that the impurities attaching themselves to salt amounted to about 13¼ to 100lb. But in the salt sold wholesale by the Company the impurities increased to 185 parts of the ton; and it had been estimated that of the salt sold in retail the adulteration was not less than one-half. From this cause the salt sold to the natives was so distasteful to them that, previous to using it, they were obliged to resort to a process of purification. The policy of the Company was bad in every respect; it not only interfered with the consumption of the article, but it led to the most immoral proceedings. Revenue is obtained at too dear a rate, when purchased at the cost of a nation's morality. The officials of the revenue were liable to be corrupted and bribed; and it was known that three-fourths of the salt used in the north-west part of Bengal were smuggled. If free trade was of any use, it ought to be applied generally, and no exceptions allowed. Reductions of the duties on other articles were frequently made in India; and what the petitioners prayed for was, the assistance of their Lordships to procure a reduction of the import duty on salt. The petitioners, he said, prayed that their Lordships would give the subject their earnest consideration, believing that it would confer important blessings upon millions by greatly extending trade and manufactures in this country, and providing the people of India with a plentiful and pure supply of one of their chief necessaries of life.

EARL GRANVILLE did not complain of the petition being presented, for it was most desirable that any portion of the people feeling a grievance should have an opportunity of representing it; and the case was still stronger when the grievance complained of affected the interests of Her Majesty's subjects in a distant part of the world. With regard to the tax on salt, he had no hesitation in admitting that it was objectionable, and that it caused severe distress to a certain part of the natives; but, admitting its objectionable character, and the possibility of diminishing its bad effects, he was bound to say he did not think the duty could be abolished altogether without substituting for it some other tax. All the recent legislation which had taken place on the subject in India, had been enacted for the purpose of encouraging the importation. The returns for the last six months showed that there had been an amount of salt imported into India from Great Britain during that period equal to that imported in any previous 12 months. He must add, he feared, that, if the duty were entirely abolished, the result would be to exclude British salt from India.

LORD WHARNCLIFFE thought that any person who looked closely into the details of the question must be satisfied of the truth of the proposition, that the repeal of the duty on salt, and the substitution of a liberal system of import duties, would add materially to the revenue of the Government in India, and would greatly extend the trade between England and that country. This view was confirmed by the paper which had been laid before Parliament by the East India Company. In the province of Bengal three methods of supply existed. Salt was manufactured in Bengal by Government advances and by contracts for delivery to the Government at fixed prices. It was also imported, and there existed one private manufactory working under the supervision of the Excise. In the North Western Provinces the article was imported from the lower provinces of Bengal and from Lambheer Lake, in Rajpore, subject to Customs duties on the frontier. In Madras it was manufactured on Government account. In Bombay it was supplied by private manufactories, acting under the supervision of the Excise, and by importation, both being subject to an equal duty. In the Punjaub the native salt mines were worked on an Excise duty. The financial results of these several systems were illustrative of their value. The total revenue was about 1,700,000*l.* In Bengal, where the supply was chiefly a Government monopoly, the revenue in 1839-40 was 1,619,418*l.*; in 1849-50 it was 1,610,738*l.* In Madras, where the monopoly was complete, the revenue in 1839-40 was 338,242*l.*, and in 1849-50 it was 383,331*l.* In the North Western Provinces, where the revenue was derived solely from the Customs duties, it amounted in 1839-40 to 269,051*l.*, and in 1849-50 to 537,981*l.* In the Presidency of Bombay, where the revenue was derived partly from the Customs and partly from the Excise, it was in 1839-40, 127,220*l.*, and in 1849-50 it was 215,759*l.* These figures completely established the fact that where the supply of salt was left to private enterprise the result was greater to the public revenue; and he was convinced that it was still more advantageous to the natives of the country.

Petition *referred* to the Select Committee on the Government of Indian Territories.

ENCUMBERED ESTATES (IRELAND) ACT CONTINUANCE BILL.

Order of the Day for the House to be put into a Committee, read.

Moved—" That the House do now resolve into a Committee."

LORD ST. LEONARDS said, he thought that, as far as regarded the Commissioners of the Encumbered Estates Court themselves, there was no necessity for extending the powers of the Bill. Under the original Act, the Commissioners were empowered to continue their operations until 1854, and to the end of the then next Session of Parliament, and ample opportunity was therefore given them of winding up all matters before them. The late Government had occasion to consider this question in the course of last Session, and they came to the determination to continue the powers of the Court for another year. The Bill for that purpose was a very simple one. It did not enlarge the time as regarded the Commissioners, but it did enlarge the time for one year, in order to enable parties to go into that court and ask for the sale of encumbered estates. The power of persons to demand sales under the authority of the Commissioners would very soon cease—next month he believed. He was not one who found fault with the original Bill—indeed, it might in some respects be attributed to him. The scheme which he drew out when he was applied to from certain quarters was to much the same effect; he would, however, express the opinion which he had always and still entertained, that giving such powers as those in the Act as regarded property, was like the suspension of the Habeas Corpus Act as regarded personal liberty. It was a very strong measure, required to meet an exceptional case, and it ought not to be continued after that exceptional case had ceased to exist—for if ever there was a country in which it was most desirable that the general law of the land should not be under an exceptional rule, it was Ireland. He would add, if they would for every difficulty that occurred in Ireland provide a special remedy, they would perpetuate the evil, for while that remedy existed the evil would exist; but place Ireland as she deserved to stand, as she was capable of standing, and as she ought to stand, on the same system of independence as the rest of the empire, and he would answer for it that they would find she would act as the rest of the empire acted, and would take care of her own interests without any legislation to meet exceptional cases. The Encumbered Estates Court was necessarily a close court; very few counsel practised in it; it was not under the public eye, and it possessed a jurisdiction which no Legislature would venture to give permanently and generally to any court. Observe what they did in enabling this court to give a Parliamentary title, and this, too, at the expense of the individuals who lost their estates. They destroyed that permanence of title which alone rendered the title of land available. A man could never, under the Bill, be sure that he would not, by some act behind his back, lose possession of his property. As to the operation of the Bill, he entirely admitted that it had had the effect of relieving encumbered estates, which were the curse of the country at large; but what he objected to was its permanency. The court was at liberty, on the application of the owner, or of any encumbrancer, to sell an estate. A person might, therefore, go into the court and get a title which was good against the whole world. While such a system as that existed, who would lend money on mortgage? Under the ordinary law, a person having a mortgage upon an estate could get possession of it the moment the party failed to complete his contract; but now if you lent money on an estate in Ireland, it might be sold by any other encumbrancer, or by the owner under the Encumbered Estates Court Act. And this also might happen—the sale of the estate might be forced at a time when the market was unfavourable, and the whole of the money advanced upon it would be lost to the party having the mortgage. He did not wish to be understood as finding fault with the Commissioners, or as desirous of making a charge against any one. It was the system he complained of. What he would propose, if the Government felt that a necessity had arisen for continuing the Act, was not to extend the powers of the Commissioners: they had got at least two years before them, and it was not desirable that they should have a longer period, because it would relieve them almost from making that despatch which was necessary in the winding up of their affairs. The whole benefit of the court consisted in this—that the money produced by the sale should be speedily divided among the claimants. If, therefore they postponed the expiration of the powers of the Commissioners for a considerable time, they would take from them the inducement to earnestly address themselves to the division of the funds at their disposal. If he were asked his own individual opinion, he should not say it was not wise or proper to continue their powers for receiving petitions for another year—he might add, even for another day. If his noble Friend on the woolsack, and the Government, thought the powers of the Act should, on their own responsibility, be continued for a short time longer, he would do that which he supposed would have been yielded to the late Government—give his assent to their continuance for six months longer, though he very much objected even to that. He was sorry to say that it appeared to him that the Bill before their Lordships was framed with a view not to wind up the concerns of the court, but to continue indefinitely and to enlarge very greatly the powers of the Commissioners; and it was to be recollected that the Government came forward with the Bill at a time when there was no pressure at all—when there was a vast difference of opinion as to its necessity—when all the authorities on the other side of the Channel, from which he had just come, were against the continuance of the powers—and when it was well known that the late Lord Chancellor of Ireland, the present Lord Chancellor, and the Master of the Rolls in Ireland, were all opposed to the Bill. He had no doubt the Bill emanated from the Commissioners themselves; but they were not the persons to consult as to the continuance of their own powers. Under such circumstances as he had mentioned, there was not only a proposition in the Bill to continue the powers of the Commissioners to sell new estates for two years more, but also a proposition for continuing their general powers for four years. Moreover, they were to have the power of selling life estates; and the section of the former Act was repealed which limited the power of the Commissioners to the sale of estates the encumbrances on which amounted to more than half the value. Having stated these points of objection, he trusted their Lordships would agree with him that the Bill could not be passed in its present shape. He had felt it his duty, in the interests of the people of Ireland, and in the interests of the profession to which he had the honour to belong, to call the attention of the noble and learned Lord on the woolsack to these objections. He did not intend to make any Motion upon this measure, but had made these statements in order to call the attention of the Government to the matter; but if the suggestions which he had made were not adopted, he should deem it his duty to repeat them at a future stage.

The LORD CHANCELLOR said, he was sorry that the noble and learned Lord had been prevented by illness from being present during the discussion of the second reading of this Bill; for if he had been there he would have known that he (the Lord Chancellor) then explained why it was proposed to repeal that section of the existing Act which prevented the operation of the Encumbered Estates Act in cases where the income of the estate was double the amount of the encumbrances. The reason was, that this provision had been found to be nugatory, inasmuch as under the Act there might always be a sale, and the powers of the Commissioners could always be called into operation whenever there was a receiver appointed by the Court of Chancery, and a receiver might be appointed whatever might be the amount of the encumbrances It, therefore, appeared to the Commissioners that the provision only put the parties to the expense of obtaining a receiver, whom they could obtain as a matter of course—and that, being an unmixed evil, it should be repealed. With regard to the general subject of the Act, one rule for encumbered and another for unencumbered estates was obviously an unwholesome state of the law; and, of course, the permanent retention of such a system could not be contemplated. The only question was, when were they to look for the termination of such a state of things? That the measure was a wise one when first introduced, he believed the noble and learned Lord would admit; for he believed it was introduced partly at the noble and learned Lord's own suggestion. Well, had they arrived at the period when it should cease? How were they to test that point? He thought the most satisfactory way would be by looking at the quantity of petitions which were from time to time pressed forward in order to have the benefit of the Act. Now, he found that from the 31st of July, 1852, to the 9th of February, 1853, 240 petitions had been presented, or at the rate of about thirty-five per month; and from the 9th of February to the 31st of March—the last day to which the returns were made up—there were sixty more presented, or as nearly as possible the same rate. Therefore, the anxiety of parties to obtain the benefit of the Act had continued with unabated vigour from July to the beginning of April; and from the beginning of April up to the present time he had no reason to think that anxiety had subsided. He was, therefore, surprised to hear his noble and learned Friend say that the learned functionaries in Ireland were opposed to the continuance of this measure; for he had always understood that it was the opinion of the very highest functionaries in that country that the bringing of the Encumbered Estates Court to an abrupt termination was very undesirable. If, however, they were not of that opinion, he (the Lord Chancellor) could only say he did not concur with them. A state of things which had gone on satisfactorily for four or five years ought to be brought slowly to a conclusion; and the only question was, were they taking the most reasonable and efficient means to wind up the matter? He (the Lord Chancellor) had been in communication with the Lord Chancellor of Ireland on the subject of introducing into the Court of Chancery in Ireland the same, or at least analogous reforms to those effected in the Court of Chancery in England; and at all events until that object was accomplished—as he thought it had been admitted by the late Government themselves—it would be idle to talk of transferring the functions of the Encumbered Estates Court to the Court of Chancery in Ireland. He (the Lord Chancellor) had just received a communication from an eminent officer of the Court of Chancery in Ireland, stating that the offices of the Masters of that Court were so full of business, that, independent of all other matters, they could not undertake this additional work. Then, to attempt to transfer it to the Court of Chancery was entirely out of the question. The only point then for their Lordships to consider was, for what length of time ought the existing Act to be continued? The noble and learned Lord thought it ought to cease now; but said he would not object to an extension of about six months. Now, it had been suggested to the Government that they should have a Continuance Bill for a much longer period than they had originally contemplated; but they did not wish to create the impression that they were enamoured of the present law, or that they wished to give it permanence; and, at the same time, they considered it objectionable to be renewing it, Session by Session; and, therefore, instead of taking a single year, as was done before, they took a period of two years, being in hopes that before the expiration of that time the Court of Chancery in Ireland would be in a fitting state to discharge the permanent duties connected with this establishment. The noble and learned Lord complained of the Encumbered Estates Court, because the estates were sold at a very low price, and that any other estates coming into the market against those having a Parliamentary title could not compete with them. It was utterly incomprehensible to him how the court could be chargeable with this, since the reason why these estates had brought so low a price was because the landed proprietors of Ireland were plunged into such an abyss of distress and difficulty, until at length a crisis came, and enormous masses of property were thrown into the market at once; and that a Parliamentary title was given, instead of being an injury, the greatest advantage was derived by those interested in the property; it, in fact, was the salvation of the property. According to the last account, up to the 31st of March, the amount of property that had been sold realised 8,700,000*l.*, and of that 6,100,000*l.* had been distributed; the rest still remaining to be distributed. Now, this Bill proposed to extend for two years the powers of petitioning the court, and then to extend to the Commissioners, as the original Bill did, two years additional to bring their functions to a conclusion.

The MARQUESS of CLANRICARDE said, he apprehended that, although some cases of extreme hardship had occurred under the operation of the Encumbered Estates Act, yet, as far as regarded creditors and debtors, that Act had, on the whole, been of the greatest use and advantage to the country; and he was glad to think that he had had some share in passing it into a law. But if they considered the operation of the Act with respect to all other capital and property in Ireland, except encumbered estates, he was afraid he could not agree in the observation that the continuation of that Act for two years would be wholesome. At this moment the effect of the Act was such as to cause most grievous injury to all species of property except estates in the court it created; and therefore, though he believed that the Act must be continued, he thought the present Bill did not for the interests of Ireland either go far enough, or it went too far. He had no fault to find with the learned Commissioners who administered the Act. They might, perhaps, have made some mistakes; but, on the whole, the court had been administered very satisfactorily. But what he said, was—that at present it was not possible for any man to borrow money or to sell an estate in Ireland, unless he was concerned with the Encumbered Estates Court. Those whose estates did not come under the operation of the Act, could get no offers for them. He objected to extending the functions of the court in the manner proposed by this Bill; but his own idea was—although being unlearned in the law, it was possible he was speaking rashly—but his own idea was, that if there could be established in Ireland a permanent Equity Court, invested with the same powers as the Encumbered Estates Court, its operation would be a real blessing; but as long as this court had a mere temporary existence, it operated as a great hardship on the rest of the real property of Ireland. He hoped the details of the Bill would be carefully considered in Committee.

The EARL of WICKLOW regretted this Bill being of a temporary nature, not a simple re-enactment of the existing law. All the alterations appeared to him objectionable, and he considered the objections urged by the noble and learned Lord (Lord St. Leonards) as applicable to the original Bill as to the present one. He thought the course taken by the noble and learned Lord on the woolsack, in limiting the measure to two years, was judicious, and he was exceedingly glad that he had brought it forward, and he trusted their Lordships would allow it to pass into a law.

After a few words from Lord ST. LEONARDS and the Earl of DONOUGHMORE, Motion *agreed to;* House in Committee accordingly; Amendments made; a further Amendment *moved*, and *disagreed to.* The Report of the Amendments to be received on *Friday* next.

BARNSTAPLE ELECTION.

The EARL of ABERDEEN *moved*, that the House agree with the Commons in the address to Her Majesty for a Commission to inquire into the existence of corrupt practices at elections in Barnstaple.

LORD BROUGHAM stated, that he and his noble and learned Friend, Lord Truro, had minutely examined the evidence in this case, and they had no doubt whatever that the Committee had come to a sound conclusion, and were fully justified in reporting as they had done. There was every reason to believe that corrupt practices extensively prevailed at the last election for Barnstaple. He would only mention one fact. Voters living at Swansea, a distance of 200 miles from Barnstaple, hearing that the articles in which they dealt—namely, their votes—were bringing 15*l.* for a plumper, and 7*l.* 10*s.* for a single vote, left their homes and went to Barnstaple, where they found a ready market. He hoped a long time would not be allowed to elapse before an effectual cure was provided for the bribery and corruption that prevailed at elections in all parts of the country.

Motion *agreed to.*

TYNEMOUTH ELECTION.

The EARL of ABERDEEN *moved*, that the House agree with the Commons in the Address to Her Majesty for a Commission to inquire into corrupt practices at elections at Tynemouth.

LORD BROUGHAM said, he had gone through the entire evidence in this case also, and although it was not so strong by a great deal as the Barnstaple case, yet he thought there was sufficient to warrant the conclusion arrived at by the Committee. The remark which he made upon a former occasion, that it was rather hard to punish one party by unseating him for what other persons had done without his knowledge or consent, did not apply to the case of Tynemouth, because, though the Committee reported that they had no evidence of the hon. Member himself having had any participation in or knowledge of the corrupt practices which prevailed at the last election, yet, when the hon. Member was called, under the late Act, to prove, not only his ignorance of those practices, but that they were contrary to his express orders and intentions, he clearly enough proved the first part, but he said not one word of the second part. The silence of the hon. Member upon the latter point, coupled with the abstinence of his learned counsel from putting the question to him when called partly for that purpose, naturally led one to believe that in this case there were better grounds than usual for coming to the conclusion that, notwithstanding his ignorance of, and want of participation in, the corrupt practices which prevailed at the last election for Tynemouth, those practices were not altogether contrary to the orders and intentions of the Gentleman who had been unseated. The hon. Member, when examined before the Committee, showed himself very anxious to exonerate the Duke of Northumberland from all participation in the election proceedings, and from the charge of using his influence in the election. No doubt that would be satisfactory to the noble Duke and to the House; but he might be permitted to observe, that, according to his view of the constitution of Parliament, the hon. Member was wrong in his impression that it was unlawful for a Peer to take part in a canvass for votes at an election, or to use his influence—of course, as a private individual—in an election. He knew that this was a *vexata questio*, some holding that it was contrary to the duty of a Peer to interfere at all in elections, while others maintained that a Peer was no more precluded than any other person from such interference. Those who spoke against the interference of Peers in elections, said it was a breach of the privileges of the Lower House; but when they considered that the Resolution of the Commons upon the subject applied equally to the Lord Lieutenants of counties, and that, nevertheless, it was the everyday practice of those functionaries not merely to interfere in elections, but to get themselves returned as Members of the House of Commons, and to sit and vote in that House—which was as effectual and substantial an interference with elections as it was well possible to make—it appeared to him that very much of the binding authority of the Resolution of the Commons was taken away from it. The Duke of Norfolk—he alluded to the grandfather of the present duke—used to tender his vote regularly at every election, and although his Grace went perhaps a little too far, yet he was undoubtedly right, in his opinion, that there was no law to prevent a Peer using his influence in an election.

Lord CAMPBELL said, that as his noble and learned Friend had broached a question of great constitutional importance, and one which he had frequently and deliberately considered, he thought himself bound to express his opinion upon it. The question was, whether a Peer had any right to vote for a representative in the Commons House of Parliament? He was clearly of opinion that a Peer had no such right or power. He placed no importance at all upon the Resolution of the House of Commons. That House could not make laws. It might declare what the law was; but it could not, by any Resolution it might pass, alter the constitution of the country; and the case of Lord Lieutenants showed that the Resolution against Peers, by itself, had no weight. But, irrespective of that Resolution—by immemorial usage, by authority, and by reason—he was clearly of opinion that not one of their Lordships who sat there by hereditary right, or by grant of the Crown, had any right to interfere in any election of a representative of the people. That was the House of Peers, the other was the Commons House of Parliament; and it was for the commons to send their representatives there to act for them, to grant the supplies, and to give their opinion upon Acts of Parliament and the general legislation of the country. Their Lordships legislated in that House by hereditary right; but, having that right, they should be contented with it, and not send forth a groundless claim to be represented in the other House. He cordially assented to the Motion before the House.

Lord BROUGHAM hoped that his noble and learned Friend would not believe that he entertained the notion that a Peer had a right to vote in the election of a Member of the House of Commons. He never dreamt of such a thing. He mentioned the case of the Duke of Norfolk to show the difference of opinion which existed upon the subject; and all he wished to protest against was, the presumed validity of the Resolution of the House of Commons that it was a breach of privilege for a Peer to interfere in an election.

The **Earl of GLENGALL** asked how it was that Irish Peers could sit for English boroughs and counties, according to the views which had been laid down?

The **Marquess of CLANRICARDE** opposed the Motion of the noble Earl, though, after what had been said, he had no doubt it would be carried. He looked upon this as one of the weakest cases in which such a Motion had been made. There was only one case of bribery proved before the Committee. The rest was all treating, and that of a nature not very grave, the most important case being a breakfast given to about sixty persons, at 2*s*. a head. That was, no doubt, a very illegal proceeding, and the Committee did perfectly right in declaring the election void; but at the same time it might fairly be questioned whether the circumstances were such as would warrant a commission of inquiry. He was of opinion that this case would be found, upon examination, a very mild one, and one that did not justify their Lordships in agreeing to the Motion. It was true as 1,900*l*. had been spent, but very litttle of that had gone in corrupt practices. Upwards of 1,000*l*. had been paid to lawyers; and the expenses were spread over a space of time from April 1851 to July 1852. He thought it was his duty to divide against the address being granted; and although he sincerely hoped these corrupt practices would be put an end to, he did not think that would be attained by such proceedings as these, by proceeding against particular places when the practices alluded to were so universal.

Lord BROUGHAM believed, that the case was a weak one; but the Committee of the House of Commons having come to a resolution to the effect that they believed corrupt practices had prevailed extensively, he could not say that they were so destitute of support from the evidence as to justify this House in refusing its concurrence to the address. Treating undoubtedly, was the gist of the charge; but under the form of treating bribery was manifestly included.

Lord REDESDALE said, it was to be distinctly understood from the Act of Parliament that the House should reserve for itself the same jurisdiction as in the cases of the Bills which came up to them from the other House of Parliament. This, however, was not a Bill for disfranchisement, but for an address to enable the Crown to issue a commission of inquiry. and the House ought to feel itself competent to decide that a case was made out which should justify an inquiry so contrary to the ordinary forms of law as those instituted under commissions of this kind, before they agreed to the reports of the Committees of the other House. Now, was a case made out in the present instance? The noble and learned Lord opposite was obliged to go to cases of treating, which were especially excluded from the Act, and the only point which had been made out was one single case of bribery with respect to one individual alone. Now, he thought their Lordships would be proceeding too hastily if they accepted the report of a Committee of the House of Commons to the effect that they believed corrupt practices extensively prevailed, as binding upon their Lordships on all occasions, if they could produce no better evidence in support of that Resolution than the evidence now before the House. He quite agreed with the noble Marquess opposite (the Marquess of Clanricarde), and thought their Lordships would act too hastily if they agreed to the address. With regard to the other question, the Reform Bill certainly gave power to all possessors of certain property to vote at elections for Members of the House of Commons; but he, for one, was not at all disposed to exercise that right.

The EARL of ABERDEEN said, that there was sufficient in the evidence to justify the conclusions of the Committee of the House of Commons; and though he might have said there was only one case of bribery, it was true that cases of treating might be considered as bribery where articles were given which were saleable. Constituted as the Committee was, they must have had the conviction very strong in their minds that corrupt practices had extensively prevailed; and it was to be considered further that their Lordships had not heard the evidence, and therefore could not form an idea of its character, and of the mode in which it was given, which in all cases was much of the substance of evidence. On the whole, he must agree to the Motion for the address, and he hoped their Lordships would assent to it.

On Question, their Lordships *divided*:—Content 33; Not Content 13; Majority 20.

Motion *agreed to.*

INCOME TAX BILL.

Order of the Day for the Third Reading read.

Moved—"That the Bill be now read 3^a."

LORD BROUGHAM rose to state a variety of objections he entertained to the tax. His main objection was, that it was a tax upon capital in a most injurious form. His next objection was, that, under the name of an income tax, it was in most material respects a tax upon outgoings or expenditure. It was a tax upon capital, and especially upon capital laid out in that form of expenditure which had the greatest claim to exemption—namely, the capital involved in agricultural, commercial, and manufacturing improvements. The farmer or landowner expended money in improving his land, the merchant in extending his commerce, and the manufacturer in extending his old or inventing new machinery. They expended their capital not for the sake of immediate profit, to be returned, in the ordinary way of profits, in a short time; but the instant that these profits appeared, and the invested capital began to be returned, the taxgatherer stepped in, and, under the name of a tax upon income, levied a tax upon capital which had been invested in improvements in one case, in the purchase of machinery in another, and in extending commerce in a third; but in all these cases it was capital that was really taxed, not income. If an allowance could be made to these parties for the years during which they received no profit arising from the investment, it might be said that they were justly dealt by, and that there was no hardship in the case. But that was manifestly impossible; and the more they examined into the tax, the more plain did the fact appear, that this was an evil incidental to the nature of the tax, and not to be removed. If it was a tax upon capital, it was also a tax upon outgoings or expenditure, for it taxed all the articles the merchant or the manufacturer must purchase for the purpose of extending his trade or his manufactures. [The noble and learned Lord then addressed himself to the inequalities of the tax, laying great stress upon the anomaly of taxing life incomes, life annuities, the incomes of professional men, and of merchants and manufacturers, in the same amount as incomes derived from realised capital.] It was this inequality which excited so much repugnance to the measure. All these objections had been urged against the Bill at the time of its introduction in 1842; but in order to induce a variety of interests—he would not say bribe, though that was the word now in use—to abstain from opposing the measure, a variety of concessions had been introduced. In the first place, the Members and their constituents from the sister kingdom had been approached by the framers of the measure, and Ireland was altogether exempted from the operation of the tax, and the great weight of their opposition to the tax was neutralised. In the next place, all incomes under 150*l.* were exempted, and the opposition of the great bulk of the middle classes was thereby neutralised—there was no other reason for fixing the limit at 150*l.* Incomes of 100*l.*, and down to 70*l.* a year, might equally well be taxed. The only objection to taxing the lower of these amounts was, that they would then be commencing to tax the wages of labour, which would necessarily rise in exact proportion to the amount by which they were taxed. In the present case, the law was improved by including Ireland, and by extending the tax from incomes of 150*l.* to those of 100*l.* a year. The opposition to these extensions was provided for and met by the Government through the medium of the succession tax, which was said to be imposed for the purpose of equalising the burden of taxation. That might appear a very plausible argument; but they ought not to lose sight of the extent of the local burdens on landed property. Land was the main contributor to the poor-rates, from which personal property was in a great degree exempt. It was true that mills and factories also paid poor-rates; but they did so only for the extent of ground which they occupied, and not in proportion to the profits which were made within them. While the owners were thus paying a disproportionately small share of the rate, there was a continual manufacture of paupers going on in their mills. Adverting then to the inquisitorial feature of the income tax, the noble and learned Lord urged that it was inseparable from the tax. Its inquisitorial character, the disclosures of men's circumstances to which it led, might be very little painful and unimportant to the landowner and to the farmer; but it was unpleasant and disagreeable to the professional man, and most hateful, and, in some cases, most injurious, to the trader and manufacturer, whose credit was necessary to successful speculation. In many instances the exposure of their affairs would be fatal. It was argued that the Commissioners were honourable men, and that implicit reliance might be placed upon them. They were said to act as arbitrators between the public and the taxpayer. But, if that were so, they were arbitrators over whose appointment the taxpayer exercised no influence whatever. In general, these Commissioners were the last persons before whom the taxpayer would like to make a full disclosure of his circumstances. It ought not to be forgotten, that under the old Bill power was given to the Commissioners to obtain information from friends and connexions of the taxpayer, even from his bankers, and exempting only his clerks and confidential agents, such as his lawyers. It was true that the penalty for refusing to give evidence was very small; but there were a great many persons in such cases who would be but too willing to be examined. Their Lordships had indeed no power to make any alterations in the Bill; but he would recall to their attention a suggestion he had made on a previous occasion—namely, to divide the Bill into two—one referring to the details of the measure, the other dealing with the principles of the imposition of the tax; so that their Lordships should have the opportunity of greatly modifying the machinery of the measure without in any way interfering with the privileges of the other House of Parliament. If a man made a return believing it to be perfectly true, and if it turned out that he was in error to the amount of a guinea, he was liable to a penalty of 20*l.*; but, though the principal was fined 20*l.*, the accessory or accomplice was liable to a fine of 50*l.* This was an instance of the evils which resulted from drawing Acts of Parliament, not by the head, but by the hand and the scissors. They had been told that among the strongest objections to this tax was the circumstance that it afforded the greatest facilities to the Government for obtaining from the people whatever sum they desired to gain. They had in the instance of this tax a machinery established of most prodigious force—ay, and which did not disdain even the meanest fractions; a machinery which had been justly compared by a noble Marquess opposite to the force of the elephant, whose trunk could raze oaks, and could pick up the minutest article—a needle or a pin. They had a machinery established which enabled the Government without the slightest difficulty, without any delay, without any new measure, without any adaptation of new means to a new end, but by the simple turning of a screw, to raise 100,000*l.* or 200,000*l.*, or, going on to the extent of its powers, to raise hundreds of thousands and millions with the same facility. This was a tax with which he would trust no Government—not even the Government of his noble Friends opposite, for whom he entertained, as they well knew, the greatest personal respect and esteem. To no Government would he give, if he could possibly avoid it, the management of such a dreadful machinery as this. He could not help mentioning, in order to show the great resources which this tax placed at the command of the Government, that when, in 1842, the tax was proposed, it was estimated to produce 3,000,000*l.* or 4,000,000*l.* —while the actual result had been from 5,000,000*l.* to 6,000,000*l.* or little short of double the amount which it had been foretold and expected that it would yield. If the same rate of income tax which existed in 1816, when the tax was abolished, at which time it yielded 15,000,000*l.*, were now imposed, without bringing it down to incomes of 150*l.* or 100*l.* a year, instead of giving the Exchequer 15,000,000*l.*, it would produce at least 25,000,000*l.* It must be remembered that in 1816 the Bank-note was at a considerable discount. The 20*s.* note had been down as low as 14*s.*, he believed, and was then worth 16*s.* or 17*s.*—certainly less than 18*s.*—so that a tax producing 25,000,000*l.* with the currency of 1816, would yield 28,000,000*l.* or 29,000,000*l.* at the present day. One of his objections to the maintenance of this tax, which he wished to see confined to cases of war and stern necessity, was the fearful amount which might be so easily raised by it. He thought it of the utmost possible importance that not only this country, but all the world, should know that, without the least difficulty—nay, with the greatest ease—we could increase, if the necessity occurred, the revenue of this country, from its present large dimensions to somewhere about 20,000,000*l.* a year more, and that without pledging our credit, without pledging a single tax, or mortgaging any one portion of our revenue. If the necessity should arise—which might God in his infinite mercy prevent!—this country could by one turn of the screw, by the mere expenditure of a little paper, pen and ink in figures and calculations, add to its revenue 20,000,000*l.* a year, without incurring a shilling of additional debt. Nevertheless, he felt that, with all the disadvantages and evils and mischiefs which were inseparable from this tax, it was still a matter of necessity, in the present state of the finances of the country, that it should be continued. In 1806, when the income tax was 10 per cent, it was imposed till the end of the war, and no longer. The war ended in 1814, but it broke out again in 1815, and after its final termination a great fight against the continuance of the income tax took place in the House of Commons. The attempt had well nigh succeeded, although the Act imposing it expressly limited it "to the end of the war, and no longer." He and those who acted with him, however, resisted the attempt, and successfully. He might be told that the same thing might be done in 1860; but he had no hope of that. A great change had taken place elsewhere, and the campaign of 1816 against the continuance of the tax could not be fought over again unless there was another great change in the interval. How did the opponents of the tax conduct the campaign in 1816? By means of petitions. For five or six weeks, from four o'clock in the afternoon till two or three o'clock in the morning, petition after petition was presented, and each petition was debated. If an account were given of the proceedings of the five or six weeks during which that campaign against the income tax was fought, it would describe one of the most extraordinary scenes ever witnessed within the walls of the House of Commons, and a resistance which was perfectly successful. He remembered, and might mention, one incident which occurred during those discussions. After the fight had continued some three weeks or more, one night, about eleven or twelve o'clock, a question was put from the chair about bringing up the petitions, and all the Members on one bench—who might have been supposed to be exhausted by the long sitting—rose in competition with each other to catch, as it was called, the Speaker's eye; and the gallantry of those men in standing by their colours under such circumstances so struck the House that they were hailed with a general cheer of applause. At length, after dividing on the reception of petitions night after night, they divided on the continuance of the tax, which was negatived by a majority of 37. In consequence, however, of the alteration which had taken place in the other House with respect to the presentation of petitions, such a stand for the destruction of the tax could not be made in 1860. Whether his apprehensive prediction might be fulfilled or not, it was impossible to say; but he could not allow this Bill to pass its last stage in their Lordships' House without again entering his protest against it, and repeating the reasons which he had on other occasions urged against the measure.

LORD MONTEAGLE said, he was disposed to entertain stronger hopes than his noble and learned Friend, that this tax would be brought to a termination at the time mentioned in the Bill before the House. He considered that this measure contained within it greater securities that the tax would terminate at a particular period, than the words "to the end of the war and no longer," in the Act to which the noble and learned Lord had referred. He must say, although it might sound somewhat paradoxical, that he thought they had a further security for the termination of the tax in the seven years' term of continuance which the Government had proposed. If ever the financial danger connected with the imposition of such a tax in time of peace was augmented, it was, he thought, when the tax was proposed for a short period, without at the same time providing by anticipation such a security as enabled Parliament and the public confidently to see their way to the termination of the tax. The result of proposing the tax for a short period, was, that every time its renewal was proposed, the Government had to make a sacrifice to popularity in one shape or another as distinguished from sound financial policy, in order to induce Parliament to renew the tax. Among the national exigencies which justified such a tax, he reckoned a financial crisis as well as a warlike crisis; and he thought that in a case of financial emergency the Government were entitled to resort to a measure of this kind. He thought, therefore, that in 1842 the Government of Sir Robert Peel was justified by the financial crisis that then existed, in proposing the imposition of an income tax. The mistake was, that its duration was not limited to that of the financial crisis. This tax was too great a temptation to place at the command of Parliament. It was easy to renew: it might even be popular to increase. The great battle now to be fought out was that between direct and indirect taxation; and if Parliament allowed itself to be tempted to substitute for the most part direct for indirect taxation, the public credit of the country and its social state would both be brought into the greatest peril. A formidable conflict would be excited between the owners of realised property and the producers of wealth. If Parliament entered upon such a course, each class would be led to seek to shift the burdens of the State from itself, forgetting that it was impossible to inflict injustice upon one class without injuring the other. His noble and learned Friend had said, for instance, that this was not only a tax upon capital, but a tax on capital before it had produced income. Well, in that case, could its mischievous results be confined to the class of capitalists who paid the tax, and would they not extend speedily and inevitably to the labourers whom they employed? It was not, therefore, right or just to teach the working classes that by any alteration of taxation, indefensible in principle, they could shift the burden from themselves, and place it upon others. A tax upon capital would become a tax on labour; for capital unfairly burdened would seek a more profitable investment. He never, indeed, would maintain injudicious duties on consumption, which must, in fact, diminish consumption, and thus defeat themselves; but he had always maintained that moderate taxes on consumption, which were as far as possible voluntary taxes, and were associated with enjoyment on the part of the person who paid them, were far different, and much safer, both with respect to their probable permanence, the facility with which they were raised, and the cheerfulness with which they were paid, from the direct taxes, which were enforced on the direct application of the taxgatherer. Nor did he object to the reduction of duties on articles of consumption. On the contrary, he thought that such taxes should be as low as possible, in order, by an augmented consumption, to produce the greatest possible amount of revenue. But when he saw indirect taxation swept absolutely away—when he saw a large portion of the assessed taxes which fell upon the wealthy classes given up, moderate customs duties upon a large number of articles unconditionally repealed—he felt great difficulty in agreeing to substitute for them a tax like the present, and agreeing to pass a Bill such as was now proposed, not in time of war, not at any great financial crisis as in 1842, but simply as part of the ways and means of the year. It was true that they received an important security from the framers of the Bill, and especially the right hon. Gentleman who introduced it; the tax was now so connected with the falling in of the terminable annuities as to afford a guarantee for its termination at the period assigned. But that depended on the good faith of the Government, and the firmness of Parliament. He considered that Parliament, by accepting this Bill, pledged itself against the renewal of the tax; but if his noble Friends, or their successors in office, should desire to gain popularity by rashly repealing indirect taxes, and thus sacrificing the public income between this time and 1860, the public would ultimately be disappointed in their just expectations, and the alternative would present itself of making the income tax perpetual, or of endangering public credit. The people of England would be defrauded of their compensation for the grant of 50,000,000*l.*; for this Bill practically amounted to a grant of that enormous sum. One means upon which the Government rested to enable them to accomplish that object was, the imposition of the succession tax on real property; but he hoped that, while it was proposed to place real and personal property, in case of death, on the same footing in this respect, care would be at the same time taken, in justice to the land, to place the transfer of real and personal property, *inter vivos*, on an equal footing also. There was another point to which he wished to call the attention of their Lordships, and that was the proposal to tax a certain class of incomes at *5d.* in the pound, a second class at *7d.*, while land, according to the admission of the Chancellor of the Exchequer, was to be taxed at a rate equal to *9d.* in the pound. Was this reconcilable with the just and eloquent denunciation of a graduated property tax? He maintained that that was a most unjust proposal, and inconsistent with the principle upon which the Government professed to have framed their Bill—namely, the principle of avoiding all inequality of taxation between different classes of incomes. He held that the rate ought to be the same upon all incomes, and he felt considerable alarm at the admission of the contrary principle. This new principle, begun in injustice, might lead to socialism and confiscation. He, therefore, protested against it in the strongest terms.

Bill read 3^a.

The EARL of WICKLOW rose, pursuant to notice, to move the omission of the 13th clause, and the substitution of a clause whereby the assessment in Ireland might be assimilated to that of England. He denied that there was any unwillingness on the part of the landed proprietors of Ireland to pay this tax, and he hoped, therefore, it would not be supposed that he was attempting to defeat the Bill by a side wind. On the contrary, he had always advocated the payment of the income tax in Ireland as well as in England, thinking the principle of exemption vicious. He thought that both countries ought to have the taxation assimilated, and when the late Government was in office he had suggested the propriety of relieving Ireland from the burden of the consolidated annuities, and substituting an income tax. He had felt satisfied that that would be productive of the most beneficial effect, as it would relieve the poor and impoverished parts of the country, while the new tax would only be imposed upon parties having property, and fairly bound to contribute to the public burdens. He was rejoiced, therefore, to find that the late Government had taken up the same idea, and had proposed to apply the income tax to Ireland. Unfortunately they had not been able to carry their views into effect; and now, by the Bill before their Lordships, the landlords of Ireland, whether they received their rents or not, would be compelled half-yearly to pay the full amount of this tax. Their Lordships were aware that during the last few years the landlords of Ireland had in many cases received only a fractional part of their rents, and it would be at once seen how hardly the proposed arrangement would press upon them. It was a piece of injustice which he hoped the House would not sanction. He admitted that the Bill contained a provision, entitling the landlord to receive back the income tax he might have paid on account of the bankrupt or insolvent tenants; but, besides the difficulty of obtaining anything back from the Treasury, any one who knew anything of Ireland must be aware that there was no such thing known as a bankrupt or insolvent tenant "according to law," although absconding tenants were numerous enough. In the Amendment he was about to propose, he was not interfering with the tax at all; the principle of the Bill was left untouched, and the only effect of adopting his Amendment would be to have an amended Bill passed through the House of Commons, which would entail the delay of a week, and nothing more. He trusted their Lordships' sense of justice would induce them to submit to this trifling inconvenience. He did not think that any Government would dare to introduce a provision into the English Income Tax Bill requiring the Marquess of Westminster, Lord Portman, or the Duke of Bedford, to pay the tax for their tenants, and then recover it from them in the best way they could. Such a provision would not be for a moment tolerated in this country. He believed no representatives of either the land or the property of Ireland in the other House had given their sanction to the arrangement proposed by the Government; it was supported, however, by another class, upon whose support and in whose views the Government coincided, unfortunately, to a great extent. Now, it was well known that in Ireland the Roman Catholic priests were the great, and some persons thought them the only, constituent body. Their principal dependence was on the dues paid them by their flocks, and it was of course their object to save the tenantry from the payment of this tax at the expense of their landlords. He entreated of their Lordships, under these circumstances, to give a favourable consideration to the Amendment he was about to propose. He had ascertained since he gave his notice, that by substituting the words, "shall be charged upon and paid by the occupier," for the words standing in the 13th clause, that the object he had in view would be effected, and he now begged to move that Amendment.

The Earl of ABERDEEN said, it was perfectly true that when the Bill was first brought in it contained the provision the noble Earl wished to introduce, and it had been brought to its present form solely from the conviction of the extreme inconvenience which would attend the collection of the tax as at first proposed, and of the propriety and necessity of adopting the present mode. Indeed, he might say, the subject had received much consideration on the part of Government, and it had been with considerable hesitation and doubt that they had introduced it in the form to which his noble Friend had referred, and it was only in consequence of consideration and discussion that the present form had been adopted. The reasons which had induced the Government to adopt the present mode were these: the extension of the income tax to Ireland took place under very favourable circumstances. The valuation adopted as the basis of the tax was that of the poor-law, which was, it would be admitted, highly favourable to the possessors of land, as it was, generally speaking, below the rental. Where the rental was lower than the valuation, however, the landlord could pay on the amount of his rent; and therefore, in every point of view, consideration had been had for the interests of the proprietors. If the principle of his noble Friend were adopted, he should like to know what would be the proportion of tenements in Ireland which would pay; and, if the landlords were answerable, as in England, for all holdings up to 10*l.*, what number it would include? The objection of his noble Friend would equally apply in that case. It must be manifest, where the occupier up to a 4*l.* rent was liable, the multitude of persons from whom the tax was to be collected would be such as to render it scarcely possible to be accomplished; and if the tenant were to pay the tax with the prospect of a claim on his landlord for reimbursement, it was clear that with such a description of persons it would produce the most serious consequences that could be conceived, and give rise to the greatest alarm and discontent, because it would be impossible to persuade persons of that description that a new tax was not attempted to be levied on them; and very often, in effect, that would be the case. The object here was not to impose the tax on the landlord, but on the immediate lessor, and it was from him the tax would be drawn. If not, it would be difficult to say where the tax was to be sought. If the tax was to be received from the first person receiving the rent, he was easily known; but otherwise it would be often difficult to ascertain who was to pay it. There was a provision in the Bill which enabled the Crown to come upon the occupier for the tax if they thought fit. There were cases, no doubt, in which the tax would not be paid by the immediate lessors. The change had been made from a conviction of its necessity to the peace and welfare of the country, and no other consideration had weighed with his right hon. Friend in the other House in making the alteration; and, though the tax was not levied in the same mode as in England, there was nothing to characterise it as a different law. The law was the same—the burden the same—the amount of impost the same—and the difference in levying it was not a difference in principle, but arose from the nature of society in Ireland, and the nature of the holdings in that country, which rendered a different mode necessary. He could not see where was the injustice of which his noble Friend complained. The objection raised by the noble Lord on the circumstance of the landlord not receiving his rent might exist in Scotland and England. [The Earl of Wicklow: No, no!] Not only might it exist, but it existed in England and Scotland very largely. That, however, was no objection on principle. The noble Earl had himself good reason to know he had exaggerated the difficulty on that point; and he (the Earl of Aberdeen) knew that in a large part of Ireland there was no sort of reason to exempt it, any more than parts of England or Scotland. He did not deny that there was still great distress and difficulty in recovering rents, but the noble Earl had grossly exaggerated the amount of it. Under all the circumstances, he could not give his sanction to the proposed alteration, and hoped the House would support the clause as it stood.

LORD BEAUMONT said, he could not allow noble Lords from Ireland to bear the brunt of this fight alone. He looked upon the question not merely as an Irish question, but as one of principle. This Bill by its principle professed to tax income, and property yielding that income; but its very machinery belied that profession. It singled out a certain class of persons, and placed the tax upon them in the name of property, which property might produce no income at all. That was directly contrary to the principle of all income taxes. An income tax did not take from the capital of a man so much money, but took a certain percentage from the income produced by that capital. They must do that by their tax, or it bore a lie upon the very face of it. An attempt like this to seize certain portions of capital would not be endured in England, although it was now sought to be applied to Ireland; and therefore he felt the warmer on the subject, when he saw that an attempt which the people of this country would resist to the utmost was about to be made where the weakness of those opposed to it would render it successful. He had heard many futile attempts to answer a plain statement; but, in all his life, he never heard so weak a defence as that which the noble Earl at the head of the Government had just made to his noble Friend. As every sentence fell from the noble Earl's lips, he perceived that the noble Earl in his heart was conscious of the weakness of his own argument. The noble Earl said that the Government yielded with reluctance to the suggestion that had been made to them in another place. Well might they yield with reluctance to a proposal which attacked the whole system of our taxation, local and public, in this country. Why, every political economist and every statesman regarded taxes on the land as taxes in reduction of rent, and held, that the taxes being paid, the residue alone went to the landlord as rent. The whole income derived from the produce of the land in the first place went into the hands of the occupier: the occupier was, therefore, liable for the taxes upon the produce in the first place; but he deducted them afterwards from his rent, and the remainder went to the landlord. But what were they about to do by this clause? They did not go to the land and tax its produce, but, on the contrary, they went to the man who ought to receive merely the residue, and placed the tax upon him individually. The result would be, that they would take from the landlord the amount of the tax, while he might not receive one fraction of the produce, as, for instance, in the case of a non-paying tenant, who would thus receive the whole income of the sale of the produce, while the landlord would have to pay the tax on the portion he never received. That was a principle which would be most injurious to the very moral character of the country, because it set at defiance all just principle, and would actually encourage and give a boon to those persons who were reluctant to pay their lawful debts, namely, their rent. Giving such persons a great advantage, and putting the burden only on occupiers who paid their rent, would be holding out a direct inducement to iniquity, and to the withholding of payment of lawful debt. The fair and just principle would be to induce the occupiers of the soil, and the first originators, as it were, of the income derived from it, to exert themselves to the utmost to pay their rent, because they knew when they paid that fairly that their receipts would include a full acquittance of this tax. Such legislation as this, he was convinced, would add more confusion to the already confounded state of the law between landlord and tenant. It was also an injustice to the landlords, who had already been badly treated by the poor-law; and now they were going to heap one wrong upon another wrong, as if they intended to crush them. It might be difficult to carry out a just principle in Ireland; but be that difficulty what it might, that Government which did not attempt to overcome it would not do its duty. The state of Ireland was such that it would bear no paltering with. It was difficult for the landlords to do their duty, and avail themselves of an opportunity of restoring the land to a healthy state; and although their exertions had been great in that respect, they had met with nothing like encouragement from the Government, and he might almost say from Parliament. Under these circumstances the Legislature ought to be cautious: if it gave them little or no encouragement, at all events to do them no absolute wrong; but if it passed that Bill as it stood, he said it would inflict upon them a monstrous wrong.

The DUKE of NEWCASTLE said, he was glad to observe that the noble Lords who came from the other side of the Channel had treated this question in a much more calm and dispassionate spirit than the noble Lord who had just sat down; for although his noble Friend who made the Motion had fallen into a mistake, and had not appreciated the motives of the Government in making a change in this clause, still he had stated his own case with perfect good temper and fair argument. The noble Lord (Lord Beaumont), in the course of his impassioned address, had just made a statement which he confessed he, for one, found it perfectly impossible to comprehend. He confidently appealed to the sober and collected judgment of the House, whether this was not purely and exclusively a question of propriety and convenience, and whether any principle or any injustice could possibly be involved in the clause as it now stood? The noble Lord said the Government durst not make such a proposal for England or Scotland, and made a heated address, which, if their Lordships had been all composed of the same excitable materials, would probably have provoked such an attack upon Her Majesty's Government as was often made upon some unfortunate people at an Irish fair. Well, what was the provision of the law in this matter as regarded England? Why, every landlord was liable for every tenant paying under 10*l.* of rent in England and Scotland. [A Noble LORD expressed dissent, and asked what was the Act?] He could assure the noble Lord that such was the effect of the law, although he could not at that moment point out the particular Act. Therefore, if they assimilated the law for Ireland with that in force in England, the practical effect would be, that in the great majority of instances the landlord, and not the tenant, would have to pay; because in Ireland the great majority of the tenants, unfortunately for themselves and for the landlords and the country itself, were rated much lower than in England. But as regarded Scotland, at any rate, they might be told that the whole taxation was entirely and exclusively placed upon the land. Well, the noble Lord said that they were discussing a great principle, and contended that this clause involved a gross violation of principle—that, in short, it was a most flagrant iniquity and wrong; and really one could not help wondering that he did not conclude such a string of heavy accusations with a Motion of want of confidence in Her Majesty's Government. But what was the case with the landlords in Scotland? Did they find that an injustice was done them; or that that which they proposed to apply to Ireland worked injuriously to their interests? Many proprietors in Scotland voluntarily, and although not compelled to do so by law, took the course which they proposed should be pursued in Ireland, and paid the tax themselves, without allowing the tenant to pay it. A noble friend of his had that evening assured him that he was in the habit of paying the tax on his rental in all instances. But the totally different circumstances of the two cases should not be forgotten: in the one instance you were calling for a tax from the payers of rent who were themselves liable to the tax; whereas in Ireland you would be calling on men to pay the tax who would eventually not be liable to it, thereby introducing an inconvenient and complicated system. The noble Lord who had last sat down said that nothing could be more unjust than this income tax, and that the provisions of the Bill gave the lie to its principle; and in support of his views he stated, that the landlords would, in many cases, have to pay the tax on incomes which they did not receive. Well, he (the Duke of Newcastle) and all their Lordships admitted the Act to be faulty, and the principle of the tax to be imperfect; but this did not affect the question now immediately under consideration. There had been printed that morning some important statistical information, showing the exact state of the occupiers of land in Ireland at this moment, and he would take leave to state the general results to their Lordships. The total number of occupiers in Ireland, valued at 6*l.* and under, was no less than 564,144*l.*; and the number of occupiers rated over 6*l.* and under 200*l.*, was 397,575*l.* Add to these last the numbers under 6*l.*, and it left tenants valued under 200*l.*, 961,719, or very nearly 1,000,000*l.* Now, let it be recollected that the payers of the income tax in Ireland would only be liable on a rental of not less than 300*l.* The number of occupiers valued over 200*l.* was 3,716, and there could not be the slightest doubt that those rated over 300*l.* would not be more than 1,000 or 1,500. There was another circumstance to be remembered which occasioned a difference between England and Ireland in this matter, that in some instances the valuation of the land exceeded the rental. The Government were anxious to assimilate the law as far as it was possible; but as regarded the machinery, since the circumstances of the two countries were not similar, it would be mere pedantry and folly to attempt to make the law in both cases the same. Now, it did not require argument to show the extreme inconvenience of calling on a person to pay on a valuation, and requiring him to pay to a taxgatherer a larger sum than he could recover from his landlord. That would be a case of great hardship on a numerous body of tenants. They must not forget, too, that there still existed a great complexity of interests where the landed tenants of Ireland did not hold directly from the landlord; and they could not lose sight of the fact that many of those who were called "middlemen" in Ireland had from a variety of circumstances been reduced to a state in which it was found that they did not treat with uniform liberality and kindness those who paid them rents. In such instances you would be under considerable risk that this tax might be used by the middleman as a means of extracting arrears of rent from the tenants, which could not be obtained in any other form. The period between which the rent became due, and the time when it was paid, was generally longer in Ireland than in England. The taxgatherer then would come and call upon these small tenants, not for their tax, but for their landlord's tax, and compel them to pay it at least twelve months before the rent became due out of which it was to be paid. That would be introducing another element of discord. His noble Friend appeared to consider, that, because this principle had been introduced into the poor-law, that, therefore, was a reason why it should be introduced into the income tax. But the cases were not analogous. The income tax was not a tax to which the tenants were liable; they were merely made the vehicle for paying the tax. But, with regard to the poor-law, it stood on a totally different footing, and it had been thought wise by the Legislature to make both parties deeply interested both in the collection and expenditure of the rate. It was upon that ground that tenants were made liable jointly with landlords in regard to the poor-law. The policy of the two cases was, therefore, as distinct as possible. The policy of the one was, to make the interest of the landlord and tenant identical; the policy of the other was, not to involve the tenant in the payment of the tax, which must be eventually paid by the landlord. He thought, therefore, that there was no reason for assimilating the law, except some fancied and pedantic analogy between two countries whose circumstances in this particular were so distinctly and prominently different.

The MARQUESS of CLANRICARDE said, the argument of the noble Duke who had just sat down seemed to be this—that the plan proposed by the Bill was the most convenient for the collection of the tax; but though it might be the most convenient for the Government, it would be extremely inconvenient for Ireland. He (the Marquess of Clanricarde) contended that, according to all sound and honest principles, the same mode of assessment ought to be adopted in both countries. The noble Duke had told them of the large number of small holders in Ireland; but how many were there in England below 10*l.*? It was not proposed to collect the tax from the small holders in either country. The noble Earl had said that the principles of the poor-rate and of the income tax were the same; but he contended that they were quite different from each other. The noble Duke said, that they were calling upon the tenant to pay a tax upon income, to be deducted from his rent, but which the landlord would not receive for a year. If that were so, were they not also calling upon the landlord to pay a tax upon income which he would not receive for a year? The fact was, that by this Bill they were driving the landlord against the tenant. That was a grave argument, and their Lordships might be assured they would not hear the last of it. He hoped the matter would even yet be reconsidered by the Government. If they allowed it to go, it was impossible that this could be the last time their Lordships would hear of this question. It tended chiefly to affect the very class of the community which was the most intelligent and the most loyal—the very class of the people of Ireland that ought to be conciliated. He certainly thought it a most impolitic, inexpedient, and unwise measure. Who were they that would be affected by it? Not the disloyal—not the agitators, but those men on whom the country could most faithfully rely. He thought it was a most unjust measure, and he called upon the Government to give it serious reconsideration.

Lord CAMPBELL said, that he should give his vote in favour of the Motion of the noble Earl, who had proposed to omit the 13th clause of this Bill. It was not that he thought there was any injustice in extending the income tax to Ireland, for he had often heartily commended the opinion that the tax should be so extended; and as soon as the other House of Parliament was informed by the Chancellor of the Exchequer that it was intended to extend the income tax to Ireland, he (Lord Campbell) thought it was a most just and expedient measure. But, at the same time, he entreated the right hon. Gentleman that he would so modify the mode of collecting the tax that it should be a tax on income, and not a tax upon those who had no income. It would appear that the right hon. Gentleman had, in the first instance, proposed to extend to Ireland the same mode of levying the tax which was adopted in this country; and in that case he (Lord Campbell) could not help thinking that the first thoughts had been the best thoughts. Now, he thought it had been clearly demonstrated that a tax such as that proposed by Her Majesty's Government for Ireland could not be said to be a tax upon income, whatever it was; and surely it was most unjust to tax a person merely because he was an owner in fee-simple, but derived no revenue whatever from it. It was quite notorious that although there were parts of Ireland where rents were well paid, there were other parts where they were not paid at all; and when his noble Friend, speaking hypothetically, alluded to cases where rents were only half paid, he (Lord Campbell) believed that he might quite as easily have supposed instances where nothing was paid. But what was the remedy offered by the Chancellor of the Exchequer? Why, it was a mere mockery. The landlord paid the tax in the first instance, and then he was to look for it to his tenants; and where the tenant was bankrupt, insolvent, or had absconded, some redress was afforded. That, however, did not reach the evil; for what redress was to be obtainable when the tenant refused to abscond, or when he was neither bankrupt or insolvent, but simply would not pay, whether he was able or not. He must say, if all the consequences which seemed to him likely to follow from the passing of this Bill came about, that then indeed an Irish property would be what lawyers termed a *hereditas damnosa.*

Lord MONTEAGLE was understood to say, that although every Financial Minister, from Mr. Pitt down to Sir Charles Wood, had refused to extend the income tax to Ireland, on account of the difficulty of a proper machinery being found for its collection, the present Chancellor of the Exchequer, not merely content with including Ireland within the operation of the tax, had extended to her a measure much more obnoxious and difficult to be worked out than the English Bill. Indeed, there were certain districts in Ireland in regard to which it would be next to impossible successfully to deal with its provisions. The Bill gave to the tax collector the alternative of proceeding against any one of three persons at his own unrestrained pleasure. He might either have his remedy from the landlord, the immediate lessor, or the occupant. Now, he submitted that would place the law in Ireland in a state of vagueness and uncertainty the most objectionable; indeed, he could conceive no greater servitude than to live in a country where the law was in a state of uncertainty. He and his friends did not want to impose a suggestion upon the Government that would have the effect of defeating their operations; they merely wished to revise the clause, so that the Irish Income Tax Bill of the present Chancellor of the Exchequer might approach nearer to the spirit which had actuated former Financial Ministers in dealing with Ireland.

The Duke of ARGYLL wished to explain a statement which he had made to the noble Earl (the Earl of Wicklow), and which had been somewhat misunderstood. He had told the noble Earl that the practice in Scotland was uniformly the same as that which they proposed to introduce into Ireland. A great portion of the Western Highlands of Scotland was similar to property in Ireland. It had suffered severely from the famine of 1846-7, and there had been large arrears consequent upon the tenure of land being subdivided; but the landlords had uniformly undertaken the payment of the income tax, not because they preferred it, but because the other course would be more oppressive on the tenant, and he believed the landlords of

Ireland would find it to their advantage to pursue a similar course.

The **Earl of CLANCARTY**: My Lords, as, in the discussions that have taken place elsewhere upon this Bill, there has appeared much difference of opinion respecting the employment of the police force in Ireland in enforcing its provisions, I wish to take this opportunity of expressing to your Lordships my decided conviction that it is a perfectly legitimate duty to cast upon that body. The primary object of their appointment is to maintain the peace of the country, and they undoubtedly have been shown to be for that purpose most efficient whenever called upon to act; but the duty of upholding the law with reference to illicit distillation of spirits, is one in the performance of which they would render the greatest service to the peace and morality of the country. It is almost a necessary consequence of the increased duty upon spirits, that endeavours will be made to evade the law, by the manufacture and sole of illicit whisky, involving not alone loss to the revenue, but a return to habits of intemperance, from which the peasantry of Ireland have of late years been comparatively free, and inducing tricks and combinations for the evasion of the law, most demoralising to the population. If it should be made a duty on the part of the police to enforce this branch of the revenue law, it will be nearly impossible to escape detection in infringing it, and the temptation to attempt it will be removed. The police are a very popular force; but nothing, I conceive, will better entitle them to popularity, than their being instrumental in upholding the law generally, and especially the law now proposed, which, if not well enforced, will tend so much to affect the peace of the country.

On Question, their Lordships *divided*:—Content 18; Not-Content 34: Majority 16.

Resolved in the *Negative.*

The **Earl of LUCAN** moved the omission of the 42nd clause, which allows one-third of the interest paid on money borrowed for the purposes of drainage to be deducted from the income tax. The noble Earl explained that his object was to obtain the deduction of the whole.

After a short discussion, which was inaudible,

Their Lordships *divided*:—Content 10; Not-Content 21: Majority 11.

Bill *passed.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 27, 1853.

Minutes.] New Members Sworn.—For Chatham, Leicester Viney Vernon, Esq.; for Peterborough, George Hammond Whalley, Esq.

Public Bills.—1° Assistant Judge (Middlesex Sessions); Customs; Land Revenues.

2° Stamp Duties.

3° Malicious Injuries (Ireland).

GOVERNMENT OF INDIA BILL—ADJOURNED DEBATE (THIRD NIGHT).

Mr. HINDLEY said, he begged to ask the right hon. President of the Board of Control whether it was the intention of the Government, in the event of the passing of the India Bill, that the inquiries of the Committee on India shall be terminated, or whether they should be continued until the Committee agreed to a final report?

Sir CHARLES WOOD said, he believed he had stated on frequent occasions that he saw no reason why legislation upon the important subject of India should preclude further inquiry in the matter. He saw no reason whatever why that inquiry should not proceed.

Order read, for resuming adjourned Debate on Amendment proposed to be made to Question [23d June], "That the Bill be now read a second time:"—And which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, further information is necessary, to enable Parliament to legislate with advantage for the permanent Government of India; and that, at this late period of the Session, it is inexpedient to proceed with a Measure which, while it disturbs existing arrangements, cannot be considered as a final settlement,"—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. COBDEN said, he did not know whether he should have deemed it necessary himself to address the House but for the circumstance of his having served upon the Committee appointed to inquire into the subject of the Government of our Indian territories; but, before troubling the House with the few remarks which he felt bound to make, he should wish to offer an observation on the question which had just been asked by his hon. Friend the Member for Ashton under Lyne (Mr. Hindley). With regard to the conduct of that Committee, allusion had been made to its proceedings during the last Parliament, and it was allowable to speak of that Parliament as one would speak of the Long Parliament, without offence to the House, since it had passed away and was now matter of history; and he felt bound to say that during that Parliament the conduct of that Committee was not such as to entitle it to be cited as an authority, or to inspire any very great degree of confidence. That Committee was appointed to inquire into the important question of the Government of India, and it was divided into eight heads. The first was the question as to the machinery by which the Government of India was carried on. Upon that head the Committee examined eighteen witnesses, every one of whom had been officially in the employment of the Court of Directors or of the Board of Control, or had been in some manner connected with one or other of those services; and, after the examination of those persons, the Committee came to a kind of qualified Resolution approving the conduct of the Government of India. In his opinion, at a future period, if some dusky agitator on the banks of the Ganges should want to find a grievance in the conduct of the British Legislature towards the Hindoo population, he would cite the fact which he had just mentioned, and he would find it potent to raise the indignation of the population, for a more unfair proceeding was never perpetrated by any tribunal calling itself impartial. He would mention, as requested by the hon. Member for Montrose (Mr. Hume), that in that Committee there were two Members who voted against that Resolution. Before the Committee in the present Parliament had proceeded to the extent of half their inquiry, it was announced to the House that the Government measure on the subject was prepared. Now, he would confess that from the time that that announcement was made, he had himself never attended that Committee, for although he always tried when serving upon any Committee to be as assiduous as any member of it, yet he considered that from the moment the Government had taken up this question, it had passed from the hands of the Committee. He saw no good they could do in collecting facts and information for the Government of India, seeing that they were generally obtained from persons who came from India, or who had been employed there, and who were more accessible to the Indian authorities. It was his opinion that the whole case was prejudged, and that a verdict had been brought in without going through the preliminaries of a trial; and he must decline, except under the express order of that House, for the future attending that Committee, or in any way sanctioning such a course of proceeding. The question at issue now was—whether the subject should be postponed, and, if it should be decided that such was to be the course pursued, he would willingly return to his duties in the Committee, and give his constant attention to the inquiry, which should, he must say, be one of considerable importance in deciding the question. The House was now called upon to decide whether the present Bill should pass, or whether the subject should be postponed for two years, leaving the Government of India in the interim just as it was at present. He wished to state now, once for all, that he did not consider it a party question. The hon. Member for North Staffordshire (Mr. Adderley) complained that he (Mr. Cobden) and his friends had taken too material a view of the question, as affecting the interests of Lancashire and the other manufacturing districts. Now, if that were true, it could not be said that they had taken up the question in a party spirit; but, as far as he was acquainted with the feelings of the people of Lancashire and Yorkshire, he believed they were generally in favour of postponement. In his opinion the subject was one which called for further inquiry, more particularly as regarded the Home Government of India. The problem to solve was, whether a single or a double government would be most advantageous, and, in considering that point, he was met by this difficulty—that he could not see that the present form of government was a double government at all. He had endeavoured to find out what were the powers of the East India Directory, which entitled them to be called a Government, and he had looked through the Charter Act to see what controlling power was bestowed upon them, and, with the exception of the disposal of the patronage, there was no power granted to them by Act of Parliament. The Act left the whole controlling power to the Board of Commissioners for managing the affairs of India; therefore, he looked upon the Court of Directors, not as a Government, but as nothing but a screen, behind which the real Government was hid. It was because he wished to get rid of that screen, and that the real Government might stand before the House and the world in its proper character, and take upon its shoulders the responsibility of the misgovernment of India—if there were any—that he wanted to have this matter simplified, and to do away with the double government, that is, to bring into office the Government of India. There had been much misapprehension with regard to this double government. Till the last year or two, he did not believe anybody understood it at all. Lord Hardinge spoke of it as a mystery, and said it was looked upon as a mystery in India; and he mentioned the instance of an officer of rank in India, who had written an indignant letter to the President of the Board of Control in reference to a communication of the Secret Committee of the Court of Directors, expressing his indignation at the conduct of that Committee; and he was only restrained from sending it by Lord Hardinge telling him that the Secret Committee of the Board of Directors was the President of the Board of Control himself. Many persons whose opinions on the affairs of India were most authoritative, in reality did not know what the double government really was. Mr. Marshman, the conductor of the *Friend of India*, a strong advocate of "things as they are," when fairly probed and pushed on the subject, showed that he, who was instructing them all, and sending pamphlets to all the Members of the Legislature, had very little fundamental knowledge of what this Government was. Part of the evidence given by that gentleman was so illustrative of this, that he hoped the House would permit him to read an extract:—

"In seeking to acquaint yourself with the form of Government for India, you would resort exclusively to the Act of Parliament under which the present Government of India is constituted?—Yes.

"Do you find that by this Act of Parliament any discretionary powers are vested in the Court of Directors, except with reference to the disposal of the patronage?—I should think they are responsible to the Board of Control.

"Admitting that the Court of Directors have no uncontrolled power in the Government of India, how can you make them responsible either to Parliament or to the people of India?—Yet it was the intention of the Act to confer certain powers upon them, and to give a control over the exercise of those powers to the Board of Control.

"You admit that, unless a party has power intrusted to it, it cannot be responsible for the exercise of its power?—No; I can therefore only say that they are responsible for the exercise of all the powers given to them in that Act.

"You say still that this Act was intended to vest a certain power in the East India Company?—There must have been some object in view in creating the present Government of the East India Company.

"You say you believe that the intention of Parliament was to give certain powers to the East India Company; having admitted that no such powers exist, except in the disposal of patronage, you would admit that, if Parliament had such object, it has failed to accomplish it?—That very much depends upon the working of the system. Although Parliament may have exempted nothing from the control of the President of the Board of Control, yet it is certain that the Court of Directors were intended to be a body employed in the administration of the affairs of India.

"To the extent of the disposal of patronage?—Not merely to the extent of the disposal of patronage, because the patronage of the Court of Directors consists only in appointment to service, and not in appointment to office. The great patronage lies in the hands of the Governor General and the governors of the various Presidencies. All the patronage which the Court has to dispose of is the appointment to writerships and cadetships.

"Will you explain to the Committee what powe the Court of Directors have under this Charter Act beyond the disposal of the patronage?—I cannot exactly speak to that, because I have not seen the interior working of the system of either the Court of Directors or the Board of Control.

"I only wish for an answer founded upon this Act of Parliament for the government of India?—All I can say is, if this Act of Parliament was intended to give them no power whatever except the disposal of patronage, it could not be considered an Act for vesting the administration of affairs in the hands of the East India Company."

This great oracle of the East India Company himself admitted that, if there was no power vested in the Court of Directors but that of the patronage, there was really no Government vested in them at all. Now all this mystery was productive of the greatest evils. They had been simplifying the procedure and getting rid of fictitious forms in their own Courts of Law recently; they had banished John Doe and Richard Roe from their Courts, but here they had still John Doe and Richard Roe in the Government of India. Then what was the advantage of such a system? Was it for the benefit either of the people of England or of India? On this subject he would refer to the evidence of a gentleman the most remarkable for ability of all the able men who had been brought before the Committee by the Court of Directors, who had filled very high offices in India—he meant Mr. Halliday. That gentleman—speaking in the face of the Court of Directors—in the very presence of his employers and masters, having stated that the Charter giving a twenty years' lease to the East India Company was considered by the natives of India as farming them out, he was subjected, on account of the use of this word "farming," to a great deal of cross-examination—

"You used the expression, 'farming the Government;' do you believe the people of India think the Government of India is farmed to the Company in the same sense that the taxes were farmed at the period you allude to?—They use precisely the same word in speaking of the renewal of the Charter. They will talk with you as to the probability of the 'jarch,' or 'farm,' being renewed, and, as far as I know, they have no other term to express it.

"Is that not merely through the infirmity of their language; have they any word which signifies 'delegation?'—They may have; I speak of the fact, and their use of the term carries with it a corresponding idea.

"How would you translate 'delegation' into Hindoostanee; might not 'jarch' be a fair translation of that term?—It would rather signify farm or lease.

"You said, that, in fact, the government was that of the Crown, and that the natives, as they become more enlightened, will more and more understand it to be so?—It is the case.

"As they become more and more enlightened, will not the mischief which you consider arises from their notion of a farm disappear of itself?—It may be in that sense, no doubt, and does; and yet there arises a proportionate weakness to the Government from their seeing that the body held up as their apparent governors are not their real governors. Without wishing to speak irreverently, it has somewhat the appearance of a sham."

Mr. Halliday, in his opinion, disposed of the whole question as regarded the interests of India, and of this country also, if we wished to govern India cheaply and beneficially. He said—

"If you were to change the system, and to govern India in the name of the Crown, you would immensely add to the reverence which the people of India would have for your government, and increase the stability of your empire in the Eastern world."

Mr. Marshman himself, though he did not speak of carrying on the Government of India under the Crown, distinctly and repeatedly laid it down that the Government of India should be carried on in one office, that the President of the Board of Control, or whoever was the responsible Minister of India, should sit in the same room with those who constituted the Council, now the Court of Directors in Leadenhall-street, and should communicate with them orally, instead of by correspondence as at present. But what where the evils of this delusive form of government? The first and greatest of all was this, that public opinion was diverted from the subject, that that enlightened public opinion was not brought to bear on Indian questions, which would be the case if India were governed in the name of the Crown, just the same as the colonies had been. It might be answered that if India were governed as the colonies had been, it would be governed badly; but if any good had arisen from our government of the colonies, it had come from enlightened public opinion emanating from this country, and chiefly brought to bear on our Colonial Minister in that House. If there were any hope for the amelioration of India, it must come from the same source; and he wanted the Indian Government to have such a tangible, visible form, that the public opinion of this country might be able to reach it, and that there might be no mask or screen before it as now. With an enlightened public opinion brought to bear more directly on the affairs of India, there would be a better chance of avoiding that source of all fiscal embarrassment, constant wars and constant annexations of territory. In other parts of the world, no Minister of the Crown would take credit for offering to annex territory anywhere. On the west coast of Africa it might not be less profitable to extend our territory than in Burmah; yet a Resolution of a Committee of that House, many years ago, forbad the extension of our territories in tropical countries. When an adventurous gentleman, Sir James Brooke, went out and took possession of some territory on the coast of Borneo, the enlightened Government of Sir Robert Peel and his Colleagues resolutely resisted all attempts to induce them to occupy any territory there. Recently, when it was announced in that House that orders had been given to the admiral on that station that on no account should any fresh territory be acquired, the announcement was received with loud cheering. We had arrived at a point when public opinion in that House and the country would prevent any such thing; and he believed that the leading statesmen on both sides would resolutely set themselves against any extension of our territory in tropical countries. Then how was it that this went on constantly in India, to the loss and dilapidation of its finances? With a declaration in the journals of that House, and in an Act of Parliament never repealed, that the honour and interest of this country was concerned in not extending its territory in the East, still these continual annexations went on in India. Why did these things happen? It was because at the present time all the authority in these matters was left virtually in the hands of the Governor General of India. He said virtually, because he believed they rested in point of law with the President of the Board of Control. Nothing could be more conclusive than the distinctness of the avowal of Lord Broughton that he was responsible for the war in Affghanistan; and Lord Ellenborough declared that when he was President of that Board, he knew that he governed India. He was, therefore, astonished when he heard the right hon.

Gentleman opposite (Mr. Herries) state that neither he nor his predecessors in office were responsible for the wars in India, but that the Governor General was the person responsible for them. When there existed such differences of opinion on such an important question—a question which involved not only the fate of India, but of England, was it not high time to come to some definite understanding on the subject? Was it not right, when such differences of opinion existed between men of the highest authority, that there should be a little delay, in order that they might all come to an understanding on so vital a point? Practically he believed that these things were carried on in India, where the Governor General was surrounded by an atmosphere of a warlike tendency—where the mere rumour of war was received with favour by all that constituted public opinion in that country. Even Lord Dalhousie himself had so far given into this spirit as to make the declaration, that—

> "In the exercise of a wise and sound policy the British Government were bound not to put aside such rightful opportunities of acquiring territory or revenue as might from time to time present themselves."

Yet this was said in the teeth of an Act of Parliament which declared that it was contrary to sound policy to annex any more territory to our dominions in the East. And this declaration of Lord Dalhousie came out before the declaration of the President of the United States, General Pierce, who made a qualified declaration that the United States would annex territory by every just and lawful means. Now, we could be very censorious when we heard of such a declaration being made by the President of another State, but we did not attach the same importance to what was said by Lord Dalhousie. Now, how was this? If Lord Dalhousie had been in any responsible position in that House, or had stood in the character of a Colonial Minister, he could have been asked for an explanation, and might have been reminded that such declarations were not in accordance with the views and interests of the nation. It was, however, his firm belief that nothing would awaken the people of this country to a proper sense of their responsibility and peril in the East, but a due appreciation of the state and prospects of the revenue of that country. There could be no doubt that in India the extension of our territories there was popular among the servants of the Company. In one of the most influential organs of the Indian Government it was stated—

> "Every one out of England is now ready to acknowledge that the whole of Asia, from the Indus to the See of Ochotzk, is destined to become the patrimony of that race which the Normans thought, six centuries ago, they had finally crushed, but which now stands at the head of European civilisation. We are placed, it is said, by the mysterious but unmistakable designs of Providence, in command of Asia; and the people of England must not lay the flattering unction to their souls that they can escape from the responsibility of this lofty and important position by simply denouncing the means by which England has attained it."

When asked if Calcutta was a good central station for the metropolis of India, Mr. Marshman, the proprietor of the above newspaper, stated to the Committee that—

> "It may be not at present, but it will be a good central station when we extend our dominion eastward."

This showed the projects which the most influential men in India had in view. He would now refer to the Secret Committee of the India House. He should like to have the cross-examination of every Member of the House, and to ask them what did they know of this Secret Committee. It was composed of three gentlemen from the Board of Directors, to whom all the communications from the Board of Control were made. It was in the power of the President of the Board of Control to sit down and write an order to annex China, and send that order to these three gentlemen, who formed what was called the Secret Committee at the India House; and they would be obliged to send the order to India for prosecution by the Governor General. They might altogether disapprove of the order, but nevertheless they would be compelled to send it to India. Mr. Melvill, Secretary to the East India Company, stated, that in all cases of declaration of war, it is within the power of the Board of Control to act through the Secret Committee, without the concurrence of the Court of Directors—that orders might be sent out by the President of the Board, through the Secret Committee, to annex the Burman or the Chinese Empire to India, without the English people knowing anything about the order. The Court of Directors could not know it. On the question being asked—

> "How are the English people to know it, if the Court of Directors do not know it?" his reply was—"Till it comes back from India, till it is a *fait accompli*, or the result of the orders is ascertained, they cannot know it."

Now, what was the practical effect of this state of things? The Court of Directors were often attacked for not making railways and works of irrigation; and he thought they deserved the charges brought against them so long as they submitted to the humiliation of their present condition. How could they be expected to make railways and other public works, when they could not prevent the President of the Board of Control, or the Governor General, at any time wasting the substance in war which should be applied to those improvements? Suppose that some of the twenty-four Directors should sit down, having the 4,000,000*l.* surplus which the hon. Member for Guildford (Mr. Mangles) spoke of, and a surplus of 2,000,000*l.* a year beside, for the purpose of devising plans of railways, and other works for India. Suppose that they had the maps and plans before them, and that they had called in the assistance of such able engineers as Mr. Locke and Mr. Stephenson; at that very time a letter might come from the office of the President of the Board of Control requiring them to send out an order to Lord Dalhousie to fit out an expedition to Rangoon for the conquest of Burmah; and when that was done, then adieu to the railways and the fabulous 4,000,000*l.* which the hon. Member for Guildford spoke of. But the most ridiculous part of the matter was, that the gentlemen of the Secret Committee, looking over these surveys, plans, and maps, and knowing the orders sent from the Board of Control, must be perfectly aware that all this was a mere waste of time; and yet they dare not tell their own Colleagues, and they must remain in complete ignorance till they learned how the matter stood by the arrival of the Indian mail. Under such circumstances, they did not deserve the name of a Government. And what could be the motive for inducing these twenty-four gentlemen to endure being taunted with the evils of a system where they were held to be responsible, and yet not trusted with power? The reward which they received for submitting to this humiliation was the patronage of India, and this was another evil arising from the system of double government. Now it was one of the evils of this system, that the patronage was in a great many instances given to Europeans, where it ought to be given to Natives. But as the Court of Directors were paid by patronage and not by stipends, they of course disposed of that patronage to their friends in this country. He wanted to see a larger number of the Natives brought into the employment of the Government. [An Hon. MEMBER: Hear, hear!] Yes, but the same thing was promised in 1833, and it was contemplated in the Act of Parliament, but it was never carried out, and it never would be as long as the patronage was disposed of in its present form. But if they got rid of the double government, and made the Minister for India responsible for the government of India, then public opinion in this country would be brought to bear upon him, and he would be applied to distribute more of his patronage amongst the Natives, because the people of this country would not endure that the vast patronage of India should be in the hands of the Minister of the Crown for distributing amongst his political supporters here. He was particularly struck with the overwhelming evidence which was borne as to the fitness of the Natives of India for high offices and employments. Nothing came out clearer before the Committee than this—that the Natives were well fitted to hold the higher class of offices. It was stated that 97 per cent of the judicial cases was disposed of by them. But they were employed to do the humblest work at low and insufficient salaries. He wished to see some of the offices which were now filled by Europeans at salaries from 2,000*l.* to 3,000*l.* a year, filled by Natives at half that stipend, which would be as much to them as double the amount to the Europeans who received it. All the great authorities in Indian matters, Munro, Metcalfe, Malcolm, and Elphinstone, advocated the distribution of patronage to the Natives. He was greatly struck with the answer of Sir George Clerk, to a question on this point. He says that the Natives were perfectly competent to decide cases and settle differences. Mr. Halliday also gave evidence to the same effect. The only way of insuring the employment of Natives in the higher offices was to take away the patronage from the Court of Directors. He would now call the attention of the House to a point of considerable importance, which was strikingly illustrated by the facts attending the commencement of the Burmese war in which we were now engaged. It was another point which was a proof of the precipitancy with which the measure had been brought forward, and he believed it was not noticed before in the course of the debate. He wished to refer to the state of the relations between the vessels of war in the Indian waters, and the Government of India; and in illustration of what he meant, he begged leave to state what had taken place on the breaking out of this war. In the month of July, 1851, a small British vessel arrived at Rangoon; the captain was charged with throwing a pilot overboard, and robbing him of 500 rupees. The case was brought before the Governor of Rangoon; and after undergoing a good many hardships, the captain was mulcted in the amount of rupees. A month after this another English vessel arrived, having on board two coolies from the Mauritius, who secreted themselves in the vessel when she left. On their arrival, they said that the captain had murdered one of the crew during the voyage. The captain was tried for this, and he was mulcted also. An application was made to the Governor General for redress, and a demand was made on the Burmese authorities to the amount of 1,900*l.* for money extorted, for demurrage of the vessels and other injuries inflicted. The Governor General ordered an investigation of the case, and he awarded 920*l.* as sufficient. At this time there was lying in the Hooghly a vessel of war, commanded by Commodore Lambert, and the Governor General thought that the presence of this vessel afforded a good opportunity for obtaining redress. The House should understand that there was no other case to be redressed than these two, that the parties in them were British subjects, and that the Governor of Rangoon did not adjudicate between Burmese subjects and British subjects. Commodore Lambert was furnished with very precise instructions indeed. He was first to make inquiry as to the validity of the original claim, and if he found that it was well founded, he was to apply to the Governor of Rangoon for redress; and, in case of a refusal on his part, he was furnished with a letter from the Governor General to the King of Ava to be sent up by him to the capital, and he was then to proceed to the Persian Gulf, for which place he was under orders. He was told not to commit any act of hostility, if redress was refused, till he had heard again from the Governor General. These were very proper and precise instructions. On the arrival of the Commodore at Rangoon, he was met by boats filled with British subjects, who complained of the conduct of the Governor of Rangoon. If the House wished for an amusing description of the British subjects of Rangoon, he would recommend them to read Lord Ellenborough's sketch of them in a speech which he delivered in the House of Lords. Rangoon was, it appeared, the Alsatia of Asia, and was filled by all the abandoned characters whom the other parts of India were too hot to hold. Commodore Lambert received the complaints of all these people; and he sent off the letter to the King of Ava at once, which he was instructed to send only in case redress was refused, and he made no inquiry with respect to the original cause of the dispute, and the validity of the claims put forward. He also sent a letter from himself to the Prime Minister of the King of Ava, and demanded an answer in thirty-five days. The post took from ten to twelve days to go to Ava, and at the end of twenty-six days an answer came back from the King to the Governor General, and to Commodore Lambert from the Prime Minister. It was announced that the Governor of Rangoon was dismissed, and that a new governor was appointed, who would be prepared to look into the matter in dispute, and adjust it. Commodore Lambert sent off the King of Ava's letter to the Governor General, with one from himself, stating that he had no doubt the King of Ava and his Government meant to deal fairly by them. Meantime the new Governor of Rangoon came down in great state, and Commodore Lambert sent three officers on shore with a letter to him. The letter was sent at twelve o'clock in the day, and when they arrived at the house they were refused admittance on the plea that the Governor was asleep. It was specifically stated that the officers were kept waiting a quarter of an hour in the sun. At the end of that quarter of an hour they returned to the ship, and without waiting a minute longer, Commodore Lambert, notwithstanding that he had himself declared that he had no doubt justice would be done, ordered the port to be blockaded, having first directed the British residents to come on board. During the night he seized the only vessel belonging to the King of Ava, which he towed out to sea. This brought him to the point to which he was desirous of calling the attention of the House. Lord Dalhousie had no power to give orders to Commodore Lambert in that station; he could merely request and solicit the co-operation of the commanders of the Queen's forces, just as we might solicit the co-operation of a friendly foreign Power. See what the effect of this system was. If Commodore Lambert had been sent out with orders from the First Lord of the Admiralty, he would not have dared to deviate from them in the slightest respect, much less to commence a war. Owing, however, to the anomalous system existing in India, Commodore Lambert felt at liberty to act on his own responsibility; and hence the Burmese war. Why had not this blot been hit upon by the framers of the present Bill? Could there be a stronger proof of the undue precipitancy with which the Government measure had been introduced than this, that it left the great defect which he had pointed out—a defect leading to results of immense gravity—uncured? The Government could not plead ignorance; they could not allege that their attention had not been directed to the matter. On the 25th of March Lord Ellenborough referred to the subject in the House of Lords, and on that occasion Lord Broughton, who had just left office, stated that he had received an official communication from Lord Dalhousie relative to the anomalous character of the relations subsisting between the Governor General and the Queen's commanders, and expressing a hope that the evil would be corrected in the forthcoming Charter Act. But there was nothing on this important subject in the present Bill; and was not this another ground for delay till they had obtained further information? He had now to say a few words on the subject of the finances of India; and in speaking on this subject he could not separate the finances of India from those of England. If the finances of the Indian Government received any severe and irreparable check, would not the resources of England be called upon to meet the emergency, and to supply the deficiency? Three times during the present century the Court of Directors called on the House of Commons to enable them to get rid of the difficulties which pressed upon them. And did they suppose that if such a case were to occur again that England would refuse her aid? Why, the point of honour, if there were no other reason, would compel them to do so. Did they not hear it said that their Indian Empire was concerned in keeping the Russians out of Constantinople, which was 6,000 miles distant from Calcutta; and if they were raising outworks at a distance of 6,000 miles, let no man say that the finances of England were not concerned in the financial condition of India. The hon. Member for Guildford (Mr. Mangles), referring to this subject on Friday night, spoke in a tone that rather surprised him; he taxed those who opposed the measure with a readiness to swallow anything, and twitted his (Mr. Cobden's) hon. Friend (Mr. Bright) with saying that the debt of India contracted since the last Charter Act was 20,000,000*l.* The hon. Gentleman (Mr. Mangles) said it was only 9,000,000*l.* There had, he said, been 13,000,000*l.* increase of debt, but that there was 4,000,000*l.* of reserve in the exchequer. He (Mr. Cobden) would quote the evidence of Mr. Melvill, who signed all the papers that came before the Committee on this point. Mr. Melvill, being asked what the amount of the debt was, says — The amount of the debt is over 20,000,000*l.* After this answer of Mr. Melvill, what became of the statement of the hon. Member for Guildford? But he must say, that there was a very great difference in the opinions and statements of Indian authorities. The evidence of Mr. Prinsep was different from that of the hon. Gentleman (Mr. Mangles) — that of the hon. Gentleman was different from the opinion of the hon. Member for Honiton (Sir J. Hogg)—that of Mr. Melvill was different from all of them, and Mr. Melvill was sometimes of a different opinion from his own papers. He wanted to give them an opportunity of making up their minds on this subject, and of correcting the statements that came before them, for they were to judge of the financial results of their management of India. The hon. Baronet the Member for Honiton stated the deficiency at 15,344,000*l.*; but he had not taken into the account, as he was bound to do, the sum realised by the commercial assets of the Company. Three or four years subsequently to the renewal of the Charter in 1833, the Company's assets, consisting of ships, stock, &c., were sold, and realised 12,661,000*l.* What people wanted, in taking stock, was to know how much richer or poorer they were as compared with the last time of striking the balance, and yet these gentlemen kept out of view a sum of upwards of 12,000,000*l.*, which they had consumed, exhausted, and spent, and they said that there was only a deficiency of 15,344,000*l.*, when, in fact, there was a deficiency of 28,000,000*l.*, as compared with the former period. [Mr. Mangles expressed dissent.] The hon. Member for Guildford shook his head; but he (Mr. Cobden) appealed to the House whether those who were intrusted with the affairs of the East India Company, and who could not take stock in a way to satisfy any Commissioner of Bankruptcy in the case of the humblest retail trader, were entitled to manage the vast concerns with which they were now intrusted? The amount, then, of defalcation in the last nineteen or twenty years had been 28,000,000*l.*, and if things were to go on in the same way for the next twenty years, they would have a debt very nearly approaching 100,000,000*l*. But the worst part of the case was, that whereas in former instances, when this question had been discussed, there was something very bad indeed in the present and the past, yet the House was always told that there was something in the future to be appealed to which would compensate for all previous calamities; but now it was a remarkable circumstance that, while there was nothing satisfactory in the past, still less was there anything consolatory in the prospects for the future. The hon. Member for Honiton had told the House that with respect to one essential item of Indian revenue—that of opium—he considered it in peril. That hon. Gentleman did not seem to see how he was changing his tone and assuming two characters in the course of his speech, when dealing with the future and the past. The hon. Gentleman, in answering in an indignant tone the remarks of the hon. Member for Manchester, said, with the view of showing that the "constitution had worked well," that—

> "The gross revenue had increased nearly 9,000,000*l*., yet many taxes had been entirely abolished, and others reduced. Was it not astounding, when the Indian revenue had increased to such an amount, to hear declamation about the misery, the destitution, and the poverty of the country? The debt showed an increase of 15,344,000*l*., but what was this compared with the increase which he had shown to have taken place in the revenue? The revenue had increased in an infinitely greater proportion, so that the increase of the debt was perfectly immaterial."—[See 3 *Hansard*, cxxvii. 1254-55 & 1259.]

Now, what would a person think of a steward who came before him with an account of the condition of his estate, and told him that the debt had increased so much, but, as the rents had increased so much more, it did not signify how the debt had increased? Yet the steward might have said, that he had spent the money in improving the estate, in erecting buildings, and making roads. The Directors of the India Company, however, did not tell the House that they had increased irrigation or the facilities of communication in India. All this money had been wasted, and was gone, and the people had no compensation for it. The hon. Member for Honiton argued that it was of no consequence how the India Company got into debt, so long as they had increased the revenue 30 per cent. Was it, then, to such financiers that the fate of India and of England—for the interests of both were connected—was to be intrusted? But, after giving this glowing description, the hon. Member for Honiton took the other side when he had another purpose to serve, and then he endeavoured to show that, after all, the state of the Indian finances was not such as to encourage Parliament to assume the possession of them on the part of the Crown. The hon. Gentleman said that—

> "The cultivation of opium was, he believed, about to be legalised in China; and, if that were so, it would have a considerable effect upon the finances of India, and the House ought, under such circumstances, to hesitate before assigning India entirely to the Crown with its liabilities and its debts."

And then he turned round and said—

> "Will you, with the Burmese war on hand, and with the prospect of losing the opium revenue, take upon yourselves all the responsibilities involved in governing India?"

He was sorry to find the right hon. Gentleman (Sir C. Wood) falling into the same tone:—

> "Seeing," he said, "into what a debt the East India Company has fallen, do you think it would be a pleasant thing for me to announce to the Chancellor of the Exchequer that he would have this deficit to provide for in his financial scheme?"

Was there ever anything more utterly indefensible than such a position as that? If they allowed the right hon. Gentleman to have another lease on the plea that the finances had been brought into such a state that it was not desirable for them to assume the management for themselves, what inducement did they hold out to him to do better in future? He thought that House must be very shallow indeed, and the country be greatly wanting in that sagacity for which they had credit, if they allowed themselves to be deluded by such a plea as that. The hon. Member for Guildford (Mr. Mangles), in the course of his remarks, took the hon. Member for Manchester (Mr. Bright) to task on the subject of the Punjaub and its expenses. The hon. Member stated, in the jaunty style to which he had alluded, that the acquisition of the Punjaub had not increased our expenses, because the troops there had been pushed forward from the frontier, and, therefore, constituted no addition to our expenditure. He (Mr. Cobden) on this subject would again quote, from the East India Company's own authority, the statement made by Mr. Kaye in his *History of the Administration of the East India Company*. Mr. Kaye said—

> "The Punjaub is not yet remunerative. Some little time must elapse before the revenues of the country can be made to exceed the cost of its protective and administrative establishments. The

estimated amount of revenue for 1851-2 is 130 lacs of rupees, with about 4 lacs of additional receipts in the shape of proceeds of confiscated Sikh property and refunded charges. The total expenditure is estimated at about 120 lacs of rupees. This leaves only a surplus of 14 lacs for the maintenance of the regular troops posted in the Punjaub; and as a large reduction of the army might have been, indeed would have been, effected but for the annexation of the Sikh States, it cannot be argued that the military expenditure is not fairly chargeable to the province. It is true, of course, that the possession of the Punjaub has enabled us to withdraw a considerable body of troops from the line of country which constituted our old frontier, and that a deduction on this score of frontier defence must be made from the gross charges of the regular military establishments employed beyond the Sutlej. Still, the cost of the regular troops fairly chargeable to the Punjaub absorbs the estimated surplus, and leaves a balance against the newly-acquired States."

Mr. Kaye said, there would have been a large reduction of the army, if it had not been for the occupation of the Punjaub. In 1835, the number of troops, European and native, was 184,700; in 1851, according to the last return, it was 289,500, being an increase of upwards of 100,000. What was this increase for, unless it were that the new acquisitions required an augmentation of force? During the same period the European force was increased from 30,800 to 49,000 men; the ground of this particular increase being, that the Sikhs, being a northern nation, could only be kept in awe by Europeans. Now, if he could treat this question as many persons did; if he could believe that the East India Company was a reality; if he believed that they could transfer India to the management of some other body, and that England would be no more responsible; that we could have the trade of India, and be under no obligations in reference either to its good government or its future financial state, he should not be the person to come forward and seek a disturbance of that arrangement. Other people might not share in his opinion; but he was under the impression that, so far as the future was concerned, they could not leave a more perilous possession to their children than that which they would leave them in the constantly-increasing territory of India. The English race could never become indigenous in India; they must govern it, if they governed it at all, by means of a succession of transient visits; and he did not think it was for the interest of the English people, any more than of the people of India, that they should govern permanently 100,000,000 of people, 12,000 miles off. He saw no benefit which could arise to the mass of the English people from their connexion with India, except that which might arise from honest trade; he did not see how the millions of this country were to share in the patronage of India, or to derive any advantage from it except through the medium of trade; and therefore he said emphatically, that if they could show him that the East India Company was the reality which many persons supposed it to be, he should not be the party to wish to withdraw their responsible trust, and to place it again in the hands of a Minister of the British Crown. But when he saw that this vast territory was now being governed under a fiction, that the Government was not a real one, but one which one of the most able and faithful servants of the Company had declared to be a sham, he said—Do not let the people of this country delude themselves with the idea that they can escape the responsibility by putting the Government behind a screen. He wished, therefore, to look this question fairly in the face; he wished to bring the people of this country face to face with the difficulties and dangers with which he thought it was beset. Let it no longer be thought that a few gentlemen meeting in Leadenhall-street could screen the people of England from the responsibility with which they had invested themselves with regard to India. Since the granting of the last Charter, more territory had been gained by conquest than within any similar period before, and the acquisition of territory had been constantly accompanied with a proportionate increase of debt. They had annexed Sattara, and their own blue books proved that it was governed at a loss; they had annexed Scinde, and their own books proved that it too was governed at a loss; they had annexed Pegu, and their own authorities said that that annexation also would involve a loss. All these losses must press on the more fertile provinces of Bengal, which were constantly being drained of their resources to make good the deficit. Let him not be told by-and-by that the annexation of Pegu and Burmah would be beneficial. What said Lord Dalhousie? He said in his despatch—and the declaration should not be forgotten—that he looked puon the annexation of Pegu as an evil second only to that of war itself; and if they should be obliged to annex Burmah, then farewell to all prospect of amelioration in Indian affairs. Well, then, believing that if this fiction were destroyed

—if this mystery were exterminated—there were already the germs of a better state of things in reference to this question; and, believing that as yet they were profoundly ignorant of what was wanted for India, he should vote for the Amendment, that they should wait for two years; and he hoped sincerely that the House would agree to it.

SIR JAMES GRAHAM: I hope the House will allow me to make a few remarks on the question under consideration, as I have long given my attention to the subject, and as I had on the last occasion of the renewal of the Indian Charter the honour to be a member of Earl Grey's Government, and a member, also, of the Cabinet Committee, in which, associated with Lord Lansdowne, Sir James Mackintosh, and my right hon. Friend the Member for Edinburgh (Mr. Macaulay), whose voice, in common with the rest of the House, I rejoiced to hear in the present discussion a few nights ago—I assisted in preparing the measure for the government of India at that time submitted to the consideration of Parliament; and whatever may have been the merit of that measure, it was adopted by the united voice of many of the most distinguished members of the Administration of which I have now the honour to be a member. I do not conceive that a more grave, difficult, or important question than the one now before the House can be discussed by any Legislature. Its importance is not to be exaggerated, and I am happy to observe that, though much difference of opinion may exist, there has not, up to the present moment, been mingled with the debate the slightest tincture of party or factious feeling. The gravity of the matter is far too great to allow any paltry motives to obtrude themselves. The question which we, as a deliberative assembly, have to decide, for good or for evil, is, how we shall provide for the government, and the maintenance—I was about to say the preservation—to the Crown of England of one of its brightest ornaments. It has been won by men of pre-eminent talent in a series of years, and it would be a sad disgrace to this country if, by any hasty error or mistaken policy, that jewel should be suddenly wrested from us. We are now discussing a question intimately connected, I think, with the safety and the maintenance of our empire in India. I have said the matter is important—but it is also most difficult. We are legislating for a people distant 10,000 miles from the seat of Government, whose manners, whose language, whose habits, prejudices, and feelings are imperfectly known to the vast majority of this House. And yet we are called upon—the British Parliament is now called upon—to provide institutions, by which the happiness and the good government of that people shall be secured. That is in itself a great difficulty; and though all our honest prejudices are naturally strong in favour of a free government, yet, from the nature of this question, we are about to maintain despotic rule—for it cannot be pretended that free or legislative government is at this moment possible in India.

It has been said that the measure which the Government have proposed, has no character of permanency about it. I admit that the measure, as we propose it, is not, as heretofore, a measure for any fixed period, however extended. It is indefinite on the face of it; but with reference to permanence, this is my opinion—that if the measure be good, with the alterations which we propose, it will be the permanent government of India. If, on the contrary, the alterations which we propose are by experience proved to be defective, it will be open at any time to the wisdom of Parliament to apply the necessary corrective, whereby we shall have the advantage of permanence in the measure if it be good, and at the same time every facility for correcting imperfections which experience may prove to exist. I must say, although I differ widely from the opinion of the noble Lord whose Amendment we are now discussing, that I heard his speech, in proposing it, with very great pleasure. It was a speech of great ability. It was a speech distinguished by candour, and the absence of anything like party acrimony or party feeling. I think the noble Lord has done well in employing his leisure time in visiting distant continents, and enabling himself to form a correct judgment of different nations in immediate connexion with the Government of this country. He thereby qualifies himself to pronounce opinions, and to sustain that high name which he bears, and that hereditary talent which he would be unworthy of his father if he did not possess. I say I heard his speech with great pleasure; but, at the same time, I thought it would have been more vigorous if it had been less candid, and that the number of admissions weakened the effect of the proposition he maintained. Let me remind you to how large those admissions are. In the first place, the noble Lord says, that he does not contend there is any necessity for consulting the native population of India with respect to the policy of such a measure as that we are now discussing. That admission is altogether inconsistent with the doctrine propounded by some other hon. Members. The hon. Member for Montrose contended that there ought to be delay, because the people of India have not yet had a full opportunity of expressing their opinion. I demur, however, to that fact, and I should contend, if necessary, that they have had ample opportunity. But, at any rate, I meet the hon. Member's doctrine with the opinion of the noble Lord, that, considering the state of civilisation in India, and the capacity of the people to judge of the measures of the Government, it is not at all desirable to consult the natives of India upon the question now before the House. The next admission of the noble Lord is, that the inquiry by the Committee has been protracted beyond the period expected by those who proposed it. If there were any doubt on that subject when the noble Lord made the Motion, it has been entirely removed by the speech of the right hon. Member for Stamford (Mr. Herries), who was President of the Board of Control under the Government of Lord Derby, and moved the appointment of that Committee. The right hon. Gentleman says that at the close of the last Session of Parliament, when the Committee were about to separate, he himself declared that, in his opinion, with reference to the great question of the Home and Indian government, the inquiry had been carried to that point where it was possible to form a correct judgment, and that as far as he was concerned, and the Government which he represented on that Committee, his mind was made up, and he was prepared on the part of that Government to propose a measure in the present Session of Parliament. The hon. and learned Gentleman the Member for Bath (Mr. Phinn) said, somewhat tauntingly, that if the case were reversed, and hon. Gentlemen opposite sat here, and we sat there, we should have pursued a very different course. It so happened that I attended that Committee, and I believe I was the person who suggested in the Resolution the words, "that the tendency of the evidence was in favour of the government as now constituted, both at home and in India." I was also of opinion, and moved an Amendment, which was carried, that although the tendency of the evidence was as then stated, it would not be prudent to close the inquiry, and that it ought to be renewed in the present Session. And why did I take that precaution? I thought it necessary to move that Amendment because I believed the mind of the President of the Board of Control was so definitively made up, that, on the part of the then Government, he was prepared to close the inquiry, and to legislate upon the subject as it then stood. The noble Lord's next admission is, that the witnesses called before the Committee are chiefly servants of the Company, who have left India not to return. Does that invalidate their testimony? Quite the contrary. I say it is a strong fact in favour of their evidence. Were they about to return, it might be said that they were still subservient to their masters—that they were more or less influenced by personal considerations. But here they are, men who, generally speaking, have won a noble and honourable independence by services in India, and have returned to their native land to enjoy that independence; their opinions are valuable on account of the knowledge they have acquired, and trustworthy from that very circumstance on which the noble Lord particularly dwelt—because they have no intention to return to India in the service of the Company.

The next declaration of the noble Lord was this:—"If you have a measure ready, I say, with Lord Dalhousie, the sooner you legislate the better." We have a measure ready. It is a measure upon which the Government have reflected with the most anxious care and thought; we have propounded this measure as the result of the fullest, most anxious, and most ample consideration we can give to the question. The noble Lord then commented adversely on our conduct in regard to Lord Dalhousie's letter. I can only say that, having the opinion of Lord Dalhousie brought before us, expressed in the strong manner in which he conveyed that opinion, we should have betrayed our duty if we had not told the British Parliament that the person who had the best means of forming a judgment as to the prudence or danger of delay has told us this: he has said, "The question is not what your measure is—I make no inquiry into that subject—but I say this—make up your mind with respect to the course that ought to be pursued, and, having made up your mind, I think there is no safety in any delay." We have prepared our measure, we have risked everything on it, and the noble Lord says, "If you have a measure ready, legislate." I say, here is our measure, we are prepared to legislate; and yet the noble Lord asks for delay—

LORD STANLEY: Pardon me — you have rather misunderstood me. What I said was this—I did not know what were the words employed by Lord Dalhousie, but I apprehended they came to no more than this—If you have a measure ready and fit to be carried, the sooner it is carried, the better.

SIR JAMES GRAHAM: Lord Dalhousie says more than that; he says—"It is your duty to propose a measure, and there is no safety in delay in preparing a measure;" but, as I understand the noble Lord, he says—"If you have really prepared a measure, there is no safety in delay in carrying it." I again repeat, on the part of the Government, that this declaration, on the part of Lord Dalhousie, was not in answer to any question put to him by any Member of the Government, but it was an opinion which, in the discharge of his duty, he thought it proper and necessary to give; and, though not in an official shape, yet, in a matter of this description, an opinion from so high a quarter having been conveyed to us, I say we should have greatly failed in our duty if we had not acted upon it, and, acting upon it, if we had not avowed our authority. The noble Lord says there is no insurrection—that there never has been any insurrection except that at Vellore—and that what was asked was only a temporary suspension, which had never before produced any disturbance. I am not prepared to run any such risk, and I will remind the noble Lord that there has never been any such suspension as is now proposed. For seventy years the same system of government, corrected from time to time, has existed. We have invariably been obliged before the time of the limited grant of renewal has expired, to pursue the same course; and now, for the first time, what I think is the dangerous experiment of suspension is to be tried, and we are to take our chance and to run the risk of insurrection. That is a course which I, for one, am not prepared to agree to. Again, the noble Lord says — "I approve of many of the provisions of the Bill." There are, I think, forty-three or forty-four clauses in the Bill, and, so far as I collect from the noble Lord's speech, which was remarkable for its perspicuity and fairness, and which would have been much more telling if it had been less fair, there are only two or three of those propositions to which he objects. I will not press the argument of my right hon. Friend the Member for Edinburgh, triumphant as I consider it to be, that all that related to the Home Government was secondary, and that that which was of primary and of the highest importance was that part of our measure which related to the Indian Government. My right hon. Friend said that the Indian Government was essential and paramount to everything; that the Home Government was of secondary importance. As to the Indian Government, I have not heard in the course of this long debate any material objections to our proposals—certainly I have heard none on the part of the noble Lord. Now, what are the leading characteristics of these propositions? We give a new character to the Legislative Council, which approaches very nearly to representation as regards the minor provinces, by admitting to the Legislative Council a representative from Bombay, a representative from Madras, and also one from a fourth Presidency, whenever it may be established. We infuse new light and vigour into it by making *ex-officio* Members of it men connected with the highest position in the Government. We also give the Governor General—a person always sent out from this country—not only a seat but a voice in the Legislative Council. It is quite open to consideration whether the discussions of that Legislative Council should be private or not. I cannot conceive a greater approach made in a Government constituted as the Government of India is, safely, cautiously, and carefully made, to watch over and check the Executive. We propose to place the armies of the East India Company under the command of a general officer nominated by Her Majesty. We propose, as to the nomination of Members of Council, hitherto exclusively in the Company, and not controlled by the Crown, to give a *veto* to Her Majesty. We propose to bestow on the Governor General a great help, in the shape of a Lieutenant Governor of the Presidency of Bengal. These are some of the great features of the change we propose in the Indian Government. It cannot be said they are slight or unimportant; they are large changes—salutary, as I believe them—changes supported by evidence and general approval, and changes which I have not heard any Member of this House object to—certainly I have not heard any disapprobation of them on the part of the noble Lord. Then the objection mainly applies to the alteration of the Home Government, and with respect to the main provision, the absence of a fixed term, the noble Lord, as I understand, does not object to that great alteration. [Lord STANLEY: Oh, yes, I do.]

Then I come to the next point—the change as to patronage—which is hardly of secondary importance to the absence of a fixed term. To the principle of that change the noble Lord declared himself an adherent, though he doubted whether the mode of general competition without reservation was expedient, agreeing very much with the late Lord Grenville, who thought that there should be some reservation, if not in the whole, at least in part, in favour of the Universities of the United Kingdom and the great seminaries of learning, and who thought some reservation should be made for the sons of civil and military servants of the Company. At the right time, I am quite prepared to go into that question, and argue for the advantage of competition without such reservation; but that discussion should be in a subsequent stage, and if the House will go into Committee, there is no reason why the proposed modifications and alterations suggested by the noble Lord should not be discussed in the most candid possible spirit. The third point of detail is the change in the composition of the Court. That I admit is very important, but still it is a question of degree, and not of principle; and I cannot understand why upon that ground the noble Lord refuses to go into Committee on the Bill.

But the questions really, as it appears to me, which are pending in this discussion are two. The first is the question of delay; and the next is the question of double or single government. These are the real cardinal points to which everything else is secondary; these are the points which I think divide the opinion of the House: and with your permission I should wish shortly to address myself to each of them; and, first, I will deal with the question of delay. I think, in the first place, it is a question of policy. I have already alluded in passing to what the opinions of Lord Dalhousie are on this point; but I cannot exclude from my consideration what my hon. Friend the Secretary of the Board of Control, in his very able speech in resisting the Amendment, glanced at and called to your attention. The subject is grave and important under any circumstances; but the gravity and difficulty of it are, in my judgment, increased by the present state of circumstances with respect to India. Look around that Indian empire—how is it surrounded? There is China on the one side. What is the state of affairs there? A serious revolution, the consequences of which are as yet only imperfectly developed—a great struggle of races, the effect of which is pregnant with matter for anxious consideration. We then come to Burmah. I hope the contest with that country will soon be closed, and that the danger, whatever it may have been in that quarter, will soon be overcome; but still there is some uncertainty about it. I shall have occasion to answer some remarks that fell from my hon. Friend the Member for the West Riding (Mr. Cobden) on this particular point before I sit down. Then I cannot altogether overlook the state of other neighbouring nations. Although there is nothing of danger, still there is something to be regarded. The state of affairs has been menacing, not from the tone, but from the position of the countries. These considerations, and the state of affairs in the East generally, show, I say, the wisdom of the advice given in another place by the highest authority where India is concerned—I allude to Lord Ellenborough—who said distinctly, within the last six weeks, that the time had arrived when it became us to put our house in order. Have we any other authority upon the same point? Who were the persons most competent to give advice with reference to it? Those who had been Governors General of India, and it is most important to watch the concurrence of their opinions. I have stated what Lord Ellenborough's opinion is. Does Lord Hardinge differ from him? Lord Hardinge, who was one of the bravest defenders of that great empire, and to which he largely added by his triumphant conquests, and the danger of which by his extraordinary exertions he mainly contributed to remove, what does he say? does he counsel delay? He has told you he concurs with Lord Ellenborough, that whatever may be your decision, decide quickly, and at once. Lord Dalhousie has said the same, and Mr. Wilberforce Bird has expressed a similar opinion. These are all parties speaking without reference to party, eminent men who have held posts of high authority in India. But, passing from Governors General of India, what are the opinions of persons who have been most connected with the Government of India? We have the opinion of the right hon. Gentleman the Member for Stamford (Mr. Herries), who was President of the Board of Control under the Earl of Derby. I have told you what his declaration was before the Committee; and the House has had the advantage of hearing from himself that, so far from receding from that opinion, he, notwithstanding the pain it must have caused him to differ from the son of that statesman under whom he held office, had thought it inconsistent with his public duty, upon a matter of this kind, not to avow his opinion and his purpose, and to state his view of the public necessity of the case, and that he thought we were right in proceeding with this measure in the present Session. What is the opinion of Sir John Hobhouse, a long time President of the Board of Control? He concurs in the opinion of the other authorities I have referred to. What is the opinion of Lord Panmure, who was certainly only a short time President of the Board of Control, but who was still conversant with the affairs of India? His opinion was explicit to the same effect. You have, then, the opinions of Governors General; you have the opinions of Presidents of the Board of Control—all concurring upon this question. And now I will advert to the Committee; and I am happy to see the hon. Member for Huntingdon (Mr. Thomas Baring) in his place, the Chairman of the Committee, for never was there a more dispassionate or able chairman. The hon. Gentleman had discharged his duty in the most exemplary manner, and it was impossible for any Member of this House who had the advantage of hearing the speech in which he declared his opinion, to forget the impressive manner in which it told the honest conviction produced on his mind by the evidence before the Committee. He warned you of the danger of delay, and entreated you, if you desired to serve the public, and to ward off danger in a most distant quarter, but which still vitally affected the empire, not to hesitate to legislate, and to legislate without delay. That is important authority. But I would for a moment just glance at what appears to me equally strong, and that is, the reason of the matter. Amid all the anomalies of our empire, it must never be forgotten how slender is the force of our tenure in India; it, after all, is mainly an empire of opinion. If you shake the confidence of this country in the permanence of our rule, in the steadiness of our Government, and in the firmness of the hand that grasps it, you destroy the very foundation of the Indian empire. Is it necessary, is it wise, wantonly to incur such risks? I say wantonly. Let me entreat of you, first, to consider one moment the position of the Government who make to you this proposition. If we had consulted our ease—if we had consulted our party interests—even if we had consulted the convenience of the House, which every Government under this representative system is bound carefully to consider—can you think we should have been desirous of forcing upon you such important legislation at this time? We had before us the prospect of a division among our friends, and it is painful to differ from any Members who give us their general support: we were incurring the risk of opposition, joined to theirs, from our more usual opponents. Could anything but a paramount sense of public duty, in such circumstances, and at such a moment, have induced the Government to incur the risk of prematurely making such a proposition to Parliament? I protest that, if ever a decision was taken by a Government from conscientious motives, and for the public good, that is the decision of the present Government, and that is the decision to which we now invite you when we ask you to agree to the second reading of this Bill, and to proceed to discuss its provisions in Committee. I now turn to the important question of the double or single government. Upon my part, I admit that the East India Company, in concert with the Government, as an instrument of government, is an anomaly; but then, I say, are we not surrounded by anomalies on every side in respect to our Indian empire? Is not our possession of India itself the greatest of all anomalies? In our representative form of government, are there not anomalies of this very description? It is a system of check and counter-check. The balance of power is surely not objectionable in principle to the British Legislature. Even an apparent conflict of power is quite compatible with the utmost regularity of system; and I contend you have full advantage of long experience—the experience of sixty or seventy years—in favour of this mode of administering the government of India.

But then we are charged with caution and timidity in our course. That was the assertion particularly made by the hon. and learned Member for Bath (Mr. Phinn). Perhaps it may be alleged against me and some of my Colleagues, that innovation, in the abstract, has no great terrors for us. We have been innovators, perhaps we may be innovators again; but I say this—it is incumbent upon innovators to show the necessity of the innovation they propose—the *onus* of proof in all cases falls on those who ask for change; and in this case, on the same principle, those who ask for more than we propose, must prove the existence of the necessity which gives them a claim to be heard in their demand. The government of India is held by us on a certain footing; we try our ground, feel our way in altering our relations to it. Proceeding prudently and cautiously, we propose to apply remedies for which we do not even claim that they are theoretically perfect, but which we believe are all that are at present shown to be practically necessary. We might go further; but in my opinion those who urge our doing so are bound to show the absolute necessity of the steps they advise, and the changes they wish us to make. Now, the noble Lord made a most important admission on this point, to which I have not before adverted. He said that the tree must be judged by its fruits. I am perfectly willing to test the entire question upon that issue. Upon the whole, has the double government of India worked well or not? First, what says the evidence? What more would you possibly have than you have got already? The noble Lord objects to Indian opinion, to native opinion. What further evidence could you collect, then, if you were to wait for any length of time? My hon. Friend the Member for the West Riding (Mr. Cobden) seems to wish to cross-examine every Member of the House. But that would lead to endless and unnecessary confusion, for every person in this country most capable of giving advice in the matter, has been called before the Committee and has been already examined. You have had three Governors General before you—Lord Ellenborough, Lord Hardinge, and Mr. Wilberforce Bird. Of civil servants of the Company you have had Sir George Clerk, Mr. Millett, Mr. Willoughby, Mr. Prinsep, Mr. Trevelyan, Mr. Halliday, Mr. Marshman, the hon. Member for Rochester, who was a distinguished member of the civil service, and, in addition, two of the very ablest men, second to none, I believe, in point of ability in any public department of this country — Mr. Melville and Mr. Mill. I have not myself had the advantage of serving on the Committee during the present Session. I attended regularly, however, during the last Session; and the general concurrence of the testimony, as I well remember, so far as the evidence then went to this issue—"judge the tree by its fruits,"—was remarkably in favour of the good government of India. My hon. Friend the Member for the West Riding began his speech by referring to the opinion of Mr. Marshman. I had not the advantage of hearing that gentleman's evidence; but my hon. Friend the Member for Manchester (Mr. Bright) relied upon him very much in his anonymous character as the *Friend of India.* Now, however, Mr. Marshman appears in print in no anonymous shape, but in a letter to my hon. Friend himself, which is well worthy the consideration of the House. Remember, the tree is to be judged by its fruits. I will not weary you by quoting to any great extent; but I will read a short extract from that letter of Mr. Marshman's, in which he tells you, in the most compendious manner, what have been the changes—"the fruits," in the internal government of India in the eighteen years since 1833; and he gives a summary somewhat to this effect:—

> "Small Cause Court established; municipal institutions introduced; cognizance of all suits intrusted to native judges; civilians instructed and examined in native languages; liberty of unlicensed printing established."

[Mr. Bright: Hear, hear!] My hon. Friend cannot doubt that. The *Friend of India* is a proof of unlicensed printing; and I must say, from a pretty good acquaintance with the Indian press, that it is carried to as great an extent there as in any other country in this world. Mr. Marshman goes on to say—

> "Native languages restored in courts of justice; Suttee and infanticide suppressed; State lotteries forbidden; slavery abolished; railroads begun; electric telegraph in progress; uniform and cheap postage introduced."

That is the summary of Mr. Marshman's experience of the last eighteen years' government of India, and remember we are now "trying the tree by its fruits." My hon. Friend the Member for the West Riding then went on to advert to the authority of Mr. Halliday. I had not the advantage of hearing Mr. Halliday's evidence; but every Gentleman who had that advantage concurs in the opinion that a more able witness was never produced before a Committee; and the very circumstance of that evidence is a proof that the

East India Company in the selection of its servants has been fortunate, at all events, in finding some men of eminent ability. Mr. Halliday, upon the question of the changes proposed in the government of India itself, approves in the strongest manner, without exception, of every one of them; and it should be observed that Mr. Halliday, in the execution of the duties of his office, has passed scarcely any time in England for the last twenty or thirty years, but has resided almost exclusively in India. He is, therefore, the best possible witness with respect to the effect upon the Indian Government of the changes desirable there, and he is the least appropriate witness with reference to the Home Government. With reference to the changes in India, then, he entirely approves of them. But with respect to the Home Government, the working of which he imperfectly understands, or has not so fully considered, he hesitates, and it cannot be said that his evidence goes much beyond a doubt. I will not weary you with repetition—there are answers, however, which have been given to two questions, respecting the principle of a single or double government, which appear to me to be so conclusive, so clear, so admirable, that I will put them in opposition to any doubts which may be entertained by Mr. Halliday, as a witness upon this point, who I think is not entitled to the greatest credit, and I ask you to consider what Mr. Mill says, who is the witness peculiarly entitled to be heard upon this point—who has witnessed the working of the whole machinery day by day, and who is the man most competent to give an opinion upon the machinery of the Home Government. I think I heard it said that he is or was a servant of the Company. But surely, there is no one who is versed in the literature of the country, or who has studied the scientific question of political economy, who does not know Mr. Mill, and who, knowing him, can believe that he is not far—very far—above any humble dependence upon the East India Company. The East India Company are much more dependent upon him for the assistance which he has given them, than he is upon them for any emolument he may obtain. I will just read two questions, and the answers given by Mr. Mill upon this point, which convey my opinion in terms so much more clear than any I can use, that I am sure the House will pardon me for referring to them. They touch upon the question of compensation, of check and countercheck, in the system of the Government as now established. He is asked, in Question 3,030:—

> "What are the advantages of the division of the Home Government of India into two distinct bodies, the Court of Directors and the Board of Control?"

Now, can the question be raised more fairly? It contains the whole matter. Allow me to invite your attention to his answer. He says—

> "It affords, I think, a great additional security for discussion and consideration. By rendering the consent of two distinct authorities necessary, you, in the first place, secure discussion between those two. The initiative being given to one body, and a veto to the other, and the body over which the veto can be exercised having in reality no substantial power except that which it derives from the force of its reasons, it is under very strong inducements to put reason on its side if it can. If the despatches which originate with the Court of Directors are not well grounded in reason, they carry no weight with the Board. The Court of Directors does not and cannot exercise any effective share in the Government, except in so far as it takes care to have reason on its side. Having this instrument of power, and no other, it has the strongest motive to use that instrument to the utmost; and in doing so it is a most efficient check upon the body which has the ultimate power, because that body being sure to have all subjects brought before it, with the result of the full consideration and concentrated judgment of a body which, from its constitution, has commonly that special knowledge and information which the President of the Board of Control in general has not, the President is under great inducement not to set aside the judgment of this comparatively well-informed body, unless he can give as strong or stronger reasons on the contrary side."

There is exactly the check which I am most anxious to see maintained. It is the check of reason exercised by an independent body over a servant of the Crown really possessing, in the last resort, all the power which any servant of the Crown can possess, or can desire to possess, in this country. The President of the Board of Control, after hearing the reasons of the Court of Directors, if he finds them well founded, has the sole and exclusive responsibility, with his Colleagues in the Cabinet, of deciding the question; and I do not believe that any Secretary of State, really in a moment of emergency, possesses more summary and complete power than is now possessed by my right hon. Friend the President, and has been possessed by every other President of the Board of Control—a power subject only to this check, that if there be, on the part of those who are well informed with reference to Indian questions, any well-grounded objections, he must hear adverse reasons stated with the utmost force which the greatest ability can bring to bear upon them; and I say that his decision is, in fact, morally checked to a considerable extent by the increased responsibility of having had those reasons presented to him, and having had to deliberate over them. Mr. Mill proceeds to illustrate the subject still further. He is asked in Question 3,034—

> "Would the same benefits be realised, in your opinion, if India were to be governed by the two bodies merged into one, and by endeavouring to form a single body which should unite the advantage of both, such as a Council of India presided over by a Minister of the Crown?"

Is not that question again put in the very manner you would desire? Can it be raised more clearly? If you wished to have the opinion of Mr. Mill, could you put the question more directly, or in a form more likely to elicit a favourable reply?—

> "I think that such a system would be far preferable to a government merely by a Secretary of State; but that the advantages now derived from the division of the governing body into two parts, the one having the initiative, and the other the ultimate control, would not be obtained under the system of a Minister and Council. In the first place, there is now not only an examination by two authorities, but successive examinations by two sets of competent subordinates."

You talk of the expense of the subordinates. True, there are subordinates such as Mr. Mill and Mr. Melvill on the one hand, and gentlemen of great experience in the Board of Control upon the other; but if there be an anomaly in that respect, remember always the extraordinary anomaly of the empire you have to govern, and the imperfect knowledge which we have of all its details. If there be a multiplication of subordinates, and some small expense arising from that multiplication, I believe that you have reaped a hundredfold in the Government of India by the advantage of the previous information from competent authorities thus obtained. But it is not the subordinates only. Mr. Mill goes on to say:—

> "If the body were but one, there would be only one set of subordinates; and that is not a trifling consideration, but in practice a very important one. In the next place, if the Minister of the Crown were president of the co-ordinate body, whether it were called Court of Directors or Council of India, he would have, not as at present, substantially a mere veto, but substantially the initiative, as the chairman now has; and in that case the council would not be under anything like the same responsibility, and would not exercise anything like the same power, that the Court of Directors do. When the Council are obliged to consider the subject first, and to make up their minds upon it, and to write, or cause to be written, the strongest justification they can make of their opinion, the mind of this body is much more effectually applied to the subject, and a much more painstaking and conscientious decision is likely to be arrived at by them, than if they were only considered as the advisers of, or as a check upon, another initiating authority. Of course, under the system suggested in the question, it cannot be meant that the power of decision should rest in the Minister and his council jointly. The ultimate decision would rest with the Minister only, and his council would be merely a council. Now, when the Minister had thus both the ultimate power of decision and the initiative, it seems to me that the functions of the council would be reduced to comparative insignificance, and there would be great danger of their becoming nominal."

I cannot hope to state to the House the views which I take of the principle of a double government in language half so clear, or with a force so irresistible, as that which I have read from the evidence of Mr. Mill.

I am desirous, however, to revert to the test which the noble Lord laid down, of trying this tree by its fruits. It was my fortune to be associated with a right hon. Friend of mine, now no more (Sir Robert Peel), and with the Duke of Wellington, in the government of India, at a moment of very great difficulty and danger. There had been a failure, almost for the first time to any extent, of the British arms in Affghanistan. The fate of the future movements of the advancing army was held in the balance; and what was the proud result of the proceedings which then took place? I have heard something about a question put elsewhere, as to whether the sons of horse-dealers might not be sent out to India. See how it applies here. At the time of which I speak, the Queen's army had met with a great disaster. There were two distinguished officers at that moment in command of two armies upon opposite sides of Affghanistan; one, General Pollock, the other, General Nott. I do not think that even on this occasion, and in this assembly, when we remember that the Queen's officers had sustained a great disaster, and by whom that disaster was retrieved—I do not believe, I say, that General Pollock will condemn me if I recall to the recollection of this House that he is the son of a humble shopkeeper in the city of London, and that General Nott was the son of a publican from a remote corner of South Wales. How did they retrieve the honour of this country? One was told either to retreat from Affghanistan, or to advance and recover Ghuznee, as he considered best. It was open to him either to retreat or to advance. He hesitated not. His decision was taken in the course of one night, and General Nott, by his noble decision to advance, retrieved the fortunes of the war, and saved the honour of his country. What was the decision of General Pollock? He found his army dispirited. Their fate was hanging in the balance. He had the moral courage, far higher than any other courage of the most brilliant description, to resist all pressure and inducement to advance until the feeling, and spirit, and *morale* of his army were fully restored. Never was the saying better exemplified. *Cunctando restituit rem.* He hesitated not when the proper moment arrived, and the glorious consummation took place, that those two generals of the East India Company's service sustained and even exalted the glory of the British arms, and saved from destruction our empire in the East. Is this system lightly to be set aside? Is this form of government to be hastily rejected? We have the advantage of the opinions of Sir Robert Peel and the Duke of Wellington in favour of that system of government. They never hesitated or doubted amid all our difficulties that those difficulties would be overcome; and if they were now alive I am satisfied that they would counsel and entreat you, as I now do, not rashly or hastily to tamper with such a system. What took place afterwards? Though the disasters of Cabul had been retrieved, we had to encounter that which I will not say was appalling; for British hearts, even in India, are never appalled by any danger. Still, the circumstances were such as might have daunted most men. Our forces were not in the best possible condition. It had been found necessary to retreat; but there followed the two great battles of Moodkee and Ferozeshah. After that, we had the triumphant victory of Sobraon, when it fell to the lot of my noble friend, Lord Hardinge, to exclaim, like a hero of old—

> —"Super et Garamantas et Indos
> Proferit imperium."

He carried his successes even beyond his famed rivals the conquerors of ancient times, whose progress was arrested by the Hydaspes, and it was his pride and joy to have added another province to our Indian empire. I have told you of the successes of the Company's officers in war. Great as were their achievements in war, even more has been accomplished, if possible, by their civil service for the good government and the promotion of the happiness of the people of India. I remember that my right hon. Friend the Member for Edinburgh (Mr. Macaulay) referred to the beautiful speech upon the subject of India, delivered by Lord Grenville. I had the advantage of hearing a speech delivered by my right hon. Friend himself twenty years ago, and there is a passage in it equal in force and beauty to anything ever delivered in this House. Speaking of trying the system by its fruits, he said (not in these precise words of course)—"Under this system you have had men administering the government of millions of subjects; you have had them leading victorious armies; you have had them in times of peace and in days of conquest; you have had them administering the revenues of mighty provinces; you have had them residing at the courts of tributary kings; and yet those men have returned to their native country with little more than a scanty competency, and sometimes even in circumstances scarcely removed from want." That was the boast of Malcolm. That is still the noble, independent boast of Elphinstone; and, again I say, trying the system by its fruits, "Prune that tree if you please, dig a trench round about it if you will, but I implore you to pause and to hesitate before you cut it down." I believe it to be sound at the heart. I believe it to be a system, on the whole, of good government. It is not incapable of improvement. We have endeavoured to improve it. In India itself I have shown you how extensive those alterations and improvements are.

I will not waste your time by going into all the details of the alterations which we seek to introduce; but I should like before I sit down to offer some observations upon a portion of the remarks which fell from my hon. Friend the Member for the West Riding. My hon. Friend instanced the Colonies. Why, Sir, I am confident that no colony could be adduced in which improvements in their internal government have taken place within the last eighteen years at all to be compared with those indisputable improvements which have been effected in India He talks of constant war. Upon that point I can speak with authority. It has been my fortune to know intimately five Governors General of India. My earliest friend—my most valued friend—to whom I owe much, and to whose memory I should be most ungrateful if I did not pay a ready tribute—Lord William Bentinck—went out to India with a strong determination not to engage in war. Providence blessed his designs. He was enabled to adhere to his intentions, and his policy was pacific. But I have known four other Governors General. I had the honour of knowing Lord Auckland; I know the Earl of Ellenborough; I know Lord Hardinge; and I know Lord Dalhousie. I can speak positively of all these four, that their intentions were the same as those which actuated Lord William Bentinck. They wished to avoid war, to be pacific administrators of the Government of that great country which they were called upon to undertake, and to spare it from the curse and the evils of war. I entirely agree with the testimony of the right hon. Gentleman the Member for Stamford (Mr. Herries) on this point. I say again, I believe their object was to avoid war; and it was not the Home Government, it was neither the Queen's Ministers nor the Court of Directors, that urged upon these Governors General the policy of departing from their pacific intentions. It was not British policy; it was Indian necessity. One and all of the wars in which they were engaged were undertaken from a sense of coming danger, by the Governors General—danger such as completely to override their preconceived intentions and policy; but in the discharge of an overwhelming public duty they did not shrink from incurring the responsibility of reversing their own intentions, and by the necessities of the empire they ruled they were driven to war. Then my hon. Friend the Member for the West Riding talks of the declaration of Lord Dalhousie in favour of annexation. Well, it is the very circumstance to which I have before adverted of Indian necessity that, notwithstanding all your self-denying ordinances, notwithstanding the most fixed intentions or the part of the Governors General themselves, it is inherent in the nature of an empire so large as India, with boundaries so exposed, and with hostile States on every side—it is inherent, I repeat, in the nature of that Government, that, with the strongest desire to avoid war, the strongest desire, on considerations of abstract policy, not needlessly to add to the extent of an empire so unmanageable, the preconceived notions of the rulers of that empire should be shaken, and their previous resolutions should be reversed. My hon. Friend was shocked at the annexation of Pegu. But I will ask him if this question of annexation is one confined only to India? Has he not heard of annexations by other Governments not absolute or despotic? Has he not heard in America of declarations in favour of an annexation quite as large from the citizens of a country who live under a Government, not despotic, but absolutely free? Has he not heard of any intention there of annexing without bounds the whole continent of North America—of their determination not to allow any independent nation to exist on that great and mighty continent? These are not questions of narrow policy; they are the unavoidable necessities of empire. What is true of America is equally true of Asia. There is a very great difficulty in declaring you will not annex any additional territory; and that brings me to the subject of the Burmese war. My hon. Friend (Mr. Cobden) thinks the facts relating to the disputes with Burmah of no great importance, and he relies upon certain narrow facts—namely, the misunderstanding between the commander of the *Fox* frigate and the Governor of Rangoon. Now, I contend that the view taken by my hon. Friend is a narrow and unfair one. He referred to an isolated transaction which was only the culminating point of many others. It was the last insult which had been added to many former insults; and in the eye of the Asiatic, tame submission to insults studiously offered, would have been fatal to that empire, which, again I say, rests mainly upon opinion. My hon. Friend says that the control of the officers of the fleet does not rest with the Governor General. All I can say is, that if Her Majesty had disapproved of the conduct of Commodore Lambert, he would have been instantly recalled and instantly reprimanded; and if any Member of this House thought the Executive Government, which is responsible to this House for what it does, had failed in its duty, it would have been open to him to make a Motion on the subject. Let me ask another question. Will the existence of a single government be a check of any value in respect to war? The case put is that the counter-check of the East India Company is inefficient; but supposing that counter-check were removed, and nothing were left but direct government, and the will of the Executive were conveyed in a positive order to the Governor General, there might be somewhat greater promptitude, but surely no additional check against war. But have we proposed no check? We are about to reintroduce a system, the adoption of which will, I think, serve as a very great check —namely, an annual statement by the responsible Minister of the Crown, of the state of the finances of India, which will give an opportunity to Members in this House to challenge every transaction; and my hon. Friend observed that this matter of Indian finance was intimately connected with British interests and with the question of Indian war.

I do not wish to weary you with the details upon finance, but again I say, try this question—try the merits of the system by its fruits. I will just glance at this matter of finance. As I understand it, my hon. Friend is quite right when he says, that after the last renewal of the Charter a large balance was appropriated to extinguish the debt—rightly appropriated, as I think—but with the knowledge and consent of Parliament, for it was in pursuance of an Act of Parliament. But, after all, that does not materially affect the figures. The debt of India in 1833 was 38,000,000*l.*; the debt of India is now 53,000,000*l.* The addition to the debt upon the face of the account so stated is 15,000,000*l.* But then there were in 1833 only 8,400,000*l.* of balances in the Indian exchequer. There are now 15,000,000*l.* of balances. Therefore, that difference of 6,600,000*l.* subtracted from the 15,000,000*l.* of apparently additional debt, leaves standing only an addition of 8,400,000*l.* of Indian debt, and this after the war with Affghanistan, after the war with Burmah, and after the Punjaub war, and the war in Scinde—all wars most expensive and most important, which have been conducted, one and all, to a successful conclusion, with an addition to the debt of only 8,400,000*l.* Now, the weight of the debt must bear some relation to the income of a State on which it is charged, as the homely illustration of my hon. Friend the Member for the West Riding will have shown. If an agent brings to you a statement showing an increase of debt upon your estate, and says this has been profitably incurred, you say to him—"Show me the other side of the account. What is the balance to my credit?" We will do that in this case. At the time of the passing of the Charter of 1833 the debt of India was, as I have stated, 38,000,000*l.*, and the revenue was 18,500,000*l.* The debt now is 53,000,000*l.* But what is the revenue? Is the revenue still 18,500,000*l.*? On the contrary, the income—the territorial income and the revenue of the East India Company at this moment in India is 29,000,000*l.*; so that while the debt has increased 40 per cent, the revenue has increased 55 per cent in the same time. You will say, this is nothing in proof of the improved condition of the people of India. That would be most true, if you could show there was any increase in the taxation during that period. Is it so? On the contrary, one of the taxes which pressed most heavily upon the people of India has been reduced 25 per cent; and, next in importance, the whole town taxation, which acted like the *octroi* in France—the whole of the transit duties have been swept away. So much in reference to finance.

But my hon. Friend went on to remark upon the patronage of the Directors. I have already told you how that patronage has been exercised. My hon. Friend the Chairman of the Committee will correct me if I am wrong; but I think I may boldly state, that with every desire to hear evidence of malversation in the distribution of that patronage, no well-authenticated case has been produced before that Committee. On the other hand, I have mentioned to you what has been the case with regard to many of the men sent out to India—men, be it remembered, not selected from the flower of the aristocracy, but men who have been brought from the middle class. Of them it may indeed be said—

> "Curibus parvis et paupere terra
> Missus in imperium magnum."

That has been the character of Malcolm, of Monroe, of the most distinguished servants of the East India Company; and I say again that you may change your system—alter it as you please—remove the imperfections if you can—but my firm belief is, that greater and better men will not be sent out to India under any other system than have gone out both in the civil and the military service under the system which now exists. But, now again I feel a difficulty. It will be said, if the system as regards the exercise of patronage is as you describe it, why alter it at all? Well, I do think that the system of canvass, as it has existed, has not been conducive to the welfare of the country. And why do I say so? I think some of the most distinguished men have been excluded from the Court of Directors by not being willing to submit to that canvass. The system has been condemned by Captain Shepherd, twice Chairman of the East India Company, and an hon. Gentleman opposite (Sir H. Maddock) as a proof of unwillingness, on the part of able men, to submit to that canvass. Mr. Willoughby has declared against the system; Mr. Wilberforce Bird has declared against the system; Mr. Robertson has declared against it; and upon the whole, the weight of testimony is decidedly opposed to it. If there be anything unworthy in this system of canvassing, it is the offer of patronage as a consideration for the promise of support. Now, what do we do? We strike at the very *pabulum* which feeds that system. Our plan of open competition for the civil, the scientific, and the medical appointments, will go to rectify the evil to a very considerable extent. It is said you will still have the military patronage. But, as was argued by my hon. Friend the Secretary to the Board of Control (Mr. Lowe), there is a great difference between the character of the military service and the scientific appointments to which I have referred; and I do think that the disposal of the patronage with reference to the army may be safely left in the manner proposed by this Bill. The hon. Member for the West Riding says, this is fatal to the extended employment of the Natives in India; and he mentioned the names, I think, of Elphinstone, and Malcolm, and Munroe, with reference to their opinion as to the desirability of employing Natives. In the first place, I would remark that Lord William Bentinck partook of the opinion, when he went out to India, that the Natives were not sufficiently trusted and employed; and, with that firmness and honesty of purpose which characterised him, he took upon himself, upon his own responsibility, to give effect to the means of their further employment. Did the East India Company interpose their authority, and reject that employment of the Natives as proposed by Lord William Bentinck? Far from it. The hon. Member for Honiton (Sir James Hogg) the other night read to the House a despatch of the East India Directors, in which they highly commended the system which Lord William Bentinck had introduced. Then I revert to the names, the honoured names, of Malcolm, of Munroe, and Elphinstone. I confidently believe that, if it had been predicted to them in the year 1833 that the Natives of India would be employed to the extent they are now employed in 1853, their most sanguine hopes would not have allowed them to believe that so great a change would quietly have been effected in so short a time. I will not weary the House—thanking them, as I do, for the patience with which they have already listened to me—I will not weary the House by now arguing in favour of the distinction between the covenanted and uncovenanted service. I attach the greatest importance to the maintenance of it. I do not believe you can depart from that distinction in the civil service, and maintain it in the military. This is a proof of the value of experience, and of proceeding gradually in steps of this kind. I know not that, *à priori*, one would have drawn that distinction which exists between the covenanted and the uncovenanted service; but finding it there—finding it in existence, and maintained up to the present time—I hold that it would be the greatest indiscretion, the most wanton incurring of needless danger, to break down that line of demarcation. I do not believe that you could open the covenanted service to the Natives in respect to civil appointments, and not greatly disturb it with reference to the military. I will not push that topic further; but I will leave it to the good sense and discretion of every Gentleman who hears me, whether his conscience does not tell him that we ought to be careful before taking a step of that kind. What more has been done? I believe I am quite accurate when I say that with respect to the judicial appointments 99 cases out of every 100 are adjudicated upon by Native Judges—99 out of every 100 of all cases in the first instance, ordinary cases, and 95 of the general summary of all the cases. In 1833, these Judges were very inadequately rewarded. Now, however, the stipendiary magistrate of Calcutta, who is, I believe, a man of colour, receives a salary of 1,500*l.* a year; and the great body of the native judges, except those of the lowest class, are in receipt of from 1,500*l.* as a *maximum*, down to 360*l.* as a *minimum;* whereas in 1833, with one or two exceptions, very few of the Natives received salaries so high as 400*l.* a year. Upon the whole, I am persuaded that the desire on the part of the British Government and of the Governor General—their sincere desire—is gradually to introduce more and more into the service of the people of India, as their fitness by education shall render the extension of the system expedient and safe, the Natives of that country. I entirely agree with the right hon. Gentleman the President of the Board of Control, that no apprehension of imaginary dangers should induce us to act with injustice to the people of that country in withholding from them that fair share of power for which their education fits them; and that the jealousy of their own fellow countrymen ought not to furnish us with a pretext for not giving them that share. But, on the other hand, from no fanciful notion of liberality, altogether unsuited to the circumstances of the case, will the House, I hope, sanction any innovation of an untried and dangerous character, however specious.

Again I say I hope that this House, upon the whole, will consent to the second reading of this Bill. There is, on the part of the Government, every disposition to meet any objections with reference to its details in a spirit of the most perfect candour; but I am satisfied that no more dangerous course, in the present critical situation of affairs, could be taken than for this House to reject this measure; but remember, the rejection of this measure would be the effect of adopting the Amendment of the noble Lord.

SIR HERBERT MADDOCK said, there was some portion of this measure which he thought a vast improvement upon the existing system. He approved of the proposition for depriving the individual Directors, he might say, of the right of nominating the actual administrators of the Government of India, and for throwing open to public competition the appointments in the civil service. That, he was convinced, was a step in the right direction. It met the great difficulty which had been apprehended of the patronage of India, if taken from the Directors, becoming a dangerous instrument in the hands of a corrupt Minister of the Crown. But he should be glad to see the system proposed by the Bill carried much further, and a larger portion of the military patronage than the scientific appointments in the army taken from the Directors; and he thought that one-half of the military appointments might be thrown open to public competition. It was said that if appointments in the civil service were given to studious perons — mere bookworms—they would be found deficient in the energy of mind and activity of body essential to the performance of the duties of civil servants in India. But he confessed that he saw no likelihood of any difficulty herein. It was the fashion with some to eulogise the civil service of India more than it probably deserved; by others, instances of incapacity had been paraded, as if they were a sample of the general administration. It was impossible that among 800 men sent out to India by the favour of individuals, there should not be some who were incompetent. In fact, a service so selected could not, upon the whole, fail to be characterised by general mediocrity. There would be sure to be in such a body some superior men, others of moderate capacity, and some decidedly unfit for responsibility. And it was difficult to deal with this latter class. There were now no sinecure appointments—no official situations, as in former days—to afford an asylum for the reception of inferior civilians. When a civilian had served eight or ten years, and had not acquitted himself to the satisfaction of the Government, it was not a very easy thing to dismiss him, with all his prospects blighted, and turn him adrift penniless. The Government of India was beset with such difficulties, and the Governor General had not the power of dismissing a man, however incapable he might be; the utmost power he could exercise was that of suspending the individual from public employment, the Court of Directors reserving to themselves the right of dismissal; and he regretted to say that there had been instances where they had failed to dismiss unworthy individuals after such suspension. As he had before said, the general character of such a service must be that of mediocrity; and no one could expect to find a large majority of its members distinguishing themselves as public administrators; but it could not be denied that, as a body, they were highly distinguished. This, however, was not attributable to the form of appointment, but to the circumstances in which each civilian was placed at the commencement of his career. A young man of twenty-one or twenty-two—at an age when in Europe he would fill none but subordinate situations—found himself in India placed in a situation of the highest trust and responsibility. The happiness of thousands, of tens of thousands, and even of hundreds of thousands, was committed to his care, and that young man must be void indeed of feeling who did not exert all the talent that he possessed to acquit himself honourably in the "great trust imposed upon him." And thus, of these men who, in talents and natural abilities, were on the average not above mediocrity, a very large portion turned out most distinguished public servants. But, if that had been the case under the present system of selection, he believed that, under a system in which none but men who should prove themselves superior in attainments and intellectual power were appointed to the civil service of India, the Legislature would insure a far more able race of administrators than India had ever yet seen, and a better government than the British possessions had ever yet enjoyed. The right hon. Gentleman (Mr. Macaulay) said, that whatever weight might be given to arguments as to any peculiar form of home government given to India, in reality the government of India was carried on, and always had been carried on, by the local Government on the spot. He must say that his own experience in India had taught him that great measures, good or bad, with few exceptions, originated with the Governor General, and had been carried out without any previous knowledge or sanction of the Home Government. As to those unfortunate wars which had been spoken of, they had been carried on by the Government of India, and neither for them could the home authorities be blamed. There was one point to which he thought it most desirable that the attention of Parliament should now be drawn, and that was the numerous checks put upon the power of the Governor General, who, he was of opinion, might be more uncontrolled—more free to act than he had hitherto been in all matters of administration—in all measures affecting the internal improvement of the country. The Governor General, although possessed of the power of entering on a war which might involve the expenditure of 10,000,000*l.* or 12,000,000*l.*, it was well known, had not the power to expend on his own authority, or to commence any public work if the expense exceeded 5,000*l.* People complained that so little was done for the physical improvement of India; but, while the Governor General, who drew a salary of 24,000*l.*, and who was assisted by five councillors who drew 10,000*l.* a year each, was unable to originate any public improvements that would cost more than 5,000*l.*, what other result could be expected? All works involving a larger expenditure had to be referred for the sanction of the home authorities; and he could assert, of his own knowledge, that if the Governor General had not been under these unnecessary and unworthy trammels, there would not be so much cause of complaint, as was now made, that such small sums were expended in India upon works of a beneficial character. The same might be said with regard to education, and of every expenditure of a useful nature calculated to develop the resources of the country. Whatever other changes were made, it was indispensable that the power of the Governor General should be increased, and that he should not be kept in such strict subordination to the home authorities as he was at present, in respect to expenditure or works of public utility. With regard to the increase in the number of members of the Legislative Council of Calcutta, the proposal of the Government would assuredly be attended with a serious increase of expenditure. It was impossible that there should be such an amount of business transacted by the Legislative Council as to justify the maintenance of an expensive machinery of this character for framing laws. The Government proposed to give every member of the Legislative Council the highest rate of payment given to civil servants in India —namely, 5,000*l.* a year. He doubted whether there would be sufficient business to justify such an expense, unless the members of the Legislative Council were required to discharge other duties also. He regretted that no mention had been made of the appointment of any Native members of the Legislative Council. He thought the Council would not be complete without some Natives being members of it. He did not propose to place them exactly in the same position as the members of the civil service, or as the covenanted servants, or to give them an equal salary; but in all questions affecting the religious feelings or prejudices of the Native population, their advice would be required; and if Parliament wished to maintain the loyalty and attachment to the Government that now prevailed among the natives of India, they must take some steps to prevent any legislation on the part of the Governor General that could infringe their religious rites or prejudices. He should prefer three Native gentlemen should be added to the Legislative Council, either which, or the opinion of the native community, ought first to be obtained upon these points before the Government were authorised to legislate. He thought there ought also to be an appeal for redress of grievances upon such points to some other authority in this country than the authority of the Court of Directors. They could not pretend that the people of India should not be parties to the framing of laws for their own government. With regard to education in India, he did not undervalue the study of *Bacon*, of *Locke*, of *Milton*, or of *Shakespeare;* yet, what he thought was most wanted in India was a knowledge of useful arts and sciences, which had hardly made a commencement in India. He trusted that when such matters came to be considered in Committee, some of the suggestions which had been thrown out would meet with attention. He had himself always been an advocate for delay in legislation upon this subject, and had always felt that Parliament was bound to pay some attention to the representations of the natives of India themselves, and that it was also bound to complete the inquiry which it had itself directed before proceeding to legislate for a term of years, or, indeed, at all. His opinion in that respect was altogether unchanged; yet, when it was urged that there was plenty of information as to the form of government required in India, he would allow, as far as the argument applied to the Home Government, that there was a great deal of truth in it. If, at the present moment, Parliament proceeded to legislate, it was quite clear—and the very Bill itself was evidence of the fact—that the legislation would be very imperfect, and of a very partial character. The present Bill did not embrace above one-third of those matters which ought to have been made subjects of legislation. The result of passing the present measure would only be to establish the form of government; but a great deal would still be left for inquiry and investigation. It did not appear to him that in 1854 Parliament would be asked to adopt any further measures for India, but that all that was left undone by the present Bill would then have to be done at the discretion of the President of the Board of Control, and he did not think that that was a very satisfactory course. These being his sentiments, it might be supposed that he was prepared to vote for the adjournment of this measure. If the question were one as to whether leave should be given to bring in a Bill, he certainly should have voted against its introduction; but as the Government had been allowed to introduce the present measure, he considered that, if it were rejected by a vote of the House, it would have a very prejudicial effect upon the minds of the people of India—prejudicial, not as far as the strength of any particular party in that House was concerned, or to those who at the time were admitted into Her Majesty's Councils; but the Queen's Government would be brought into disrepute in India, if Ministers were to be beaten upon a question of such vast importance to that country. He spoke with some knowledge of the feelings of the people of India. On ordinary occasions they cared little and knew little about the result of debates in that House; but of the present debate they would study every word, if not in English, in translations, and also the evidence which had been brought before the Committees of both Houses on this subject. As a measure in which the people of India were so deeply interested had been introduced by the Ministry, he feared it would be attended with prejudicial consequences in India if this Bill were rejected; but he trusted that the right hon. Gentleman the President of the Board of Control, and the House, would be willing to discuss the suggestions which had been thrown out, and on this understanding he should himself be prepared to support the second reading of the Bill.

MR. J. G. PHILLIMORE said, he felt impelled by a strong sense of duty, which he hoped he shared in common with all those Gentlemen who had endeavoured to master this great subject, to express his views on the present occasion. It would not, therefore, be true if he were to tell the House that his motive in rising was to reply to the perpetual allusions which had been made to the speech which he had made on this subject on a former occasion, or to point out the misrepresentation of it which had been made by the hon. Member for Honiton (Sir J. Hogg). No personal consideration of any kind mingled with the desire he felt to prevent the House, if possible, from perpetrating what he could not but consider a course of injustice to the Natives of India. With regard to the speech of the right hon. Baronet (Sir J. Graham), who had spoken that night, he had never heard a speech more calculated to mislead the House from the consideration of the subject really before them. The right hon. Gentleman, with great acuteness, and with all the aid which sophistry could impart, had endeavoured to turn the attention of the House from the main point at issue by dwelling on the abilities and achievements of some of those distinguished men who had adorned the Indian service. But, he would ask, could any man doubt that in a great service, and one opening a large field for the display of capability, out of 800 persons chosen from the upper and middle classes of society, that some would not be found who would prove equal, and more than equal, to the duties which they had undertaken? When the right hon. Baronet dwelt upon the capacity which some of those gentlemen had displayed, in order to prove the general advantage of the system, and referred to the careers of Generals Nott and Pollock, he might as well attempt to defend the revocation of the edict of Nantes by bringing forward instances of men who adorned the Court of Louis XIV. Such considerations as those were entirely beside the question, and he hoped that the House would not suffer itself to be led away by any such attempts, but would exercise its own judgment on the real question at issue. The right hon. Baronet said "that a tree ought to be judged by its fruit;" and he was prepared to meet him on that ground. Let the right hon. Baronet look to the condition of the inhabitants of the different provinces of India. He would quote an extract from the *Friend of India*, for September 16, 1852:—

> "A whole century will be scarcely sufficient to remedy the evils of that perpetual settlement, and we have not yet begun the task. Under its baneful influence a population of more than 20,000,000 have been reduced to a state of such utter wretchedness of condition and such abjectness of feeling as it would be difficult to parallel in any other country."

It had been stated that in a more recent pamphlet Mr. Marshman had contradicted himself; but, if that were the case, the only inference that could be drawn was, that his testimony was unworthy of credit. Another distinguished writer upon the affairs of India said—

> "We shudder to contemplate the condition of the tenants in Bengal, who are given over to worse than Egyptian bondage. The truth is, the power of coercion placed in the hands of zemindars is in the highest degree oppressive."

Such were the opinions which prevailed with respect to the condition of a large portion of the people of India. The hon. Member for Guildford (Mr. Mangles) had stated to the House that zemindars occasionally possessed as much as 1,000*l.* a year. But did the hon. Member think to impose upon the understanding of the House by such an argument? Could any one doubt that in a large population it was possible that individuals could possess such fortunes? But surely that could be no valid argument calculated to disprove a statement as to the state of misery to which the population were reduced. With regard to the administration of justice in India, a gentleman well versed in Indian affairs, and one whose natural bias would not have led him to feel any very great sympathy for the Natives, speaking of the judicial system, said that the collectors when they grew old were made judges, without exception. It seemed to be considered, that if at that time of life a man were fit for anything at all, he was fit to be a judge, and, without control, to discharge judicial duties. The general opinion, according to the same authority on this subject, was, if a man was fit for nothing, make him a judge, and so get rid of him, for no man appointed to that office would have any further claim for promotion. These were some of the fruits by which the tree ought to be judged. Another evil had been pointed out by Sir Charles Metcalfe, in his evidence before the Committee of the House of Lords, which was, that for some offences the Native was liable to be tried in the King's Court, while for others he was liable to be tried in the Company's; and, indeed, in some cases he was liable to both, and there was no defined limitation by which the Native might know by what Court he was liable to be tried. Such had been an evil pointed out some years ago, but which still remained unchanged, and it was not confined to any particular Presidency. There was no question which required consideration more than the working of the judicial system in India. He would give the House an instance of a judicial decision in India. The Sessions Judge of Surat having recently convicted a Brahmin of deliberately murdering three children, by making them drunk, and then burning them alive, sentenced him to two years' imprisonment. Such were some more of the fruits by which this tree was to be judged. The police agents were notorious for the commission of acts of the grossest cruelty. A shocking case of this kind was recounted in the *Calcutta Review*, for May, 1844. It was extracted from an official report by a magistrate, and the proceedings detailed were so atrocious that it was desirable they should be brought under the notice of the House, in order that Members might be aware of what was done under the Government which the hon. Baronet the Member for Honiton so much lauded. The *Calcutta Review* introduced the case thus:—

> "With one more case from this report of the superintendence, we must close our string of offi-

ial evidence against the police. The case is one of unexampled monstrosity, notorious enough in Bengal; but of so convincing a character that we desire it should be read in all parts of the world. The horrid event occurred in the Moorshedabad district, and is thus officially narrated by the superintendent of police. Comment needs it none from us:—

"'One of the cases here entered is that dreadful case of torture by Bholanauth Gungolee Darogah and others, the police officers of Thannah Mirzapore, to extort a confession from one Ramdoolub Raie, of a dacoity which had never been committed, in which, from the consequences of the horrid treatment which he received, and the subsequent detention at the Thannah to evade detection, the toes and fingers of the poor victim rotted off, and he is left a cripple and a pensioner on the bounty of the Government for life. The fingers and the toes of the man were first tied together, and wedges being driven between them to the greatest extent of tension, he was laid out on his back in the sun. This not producing the desired effect, his hands and feet were dipped into boiling water; then the ligatures were unloosened, and bandages dipped in oil tied round the fingers of both hands and the toes of the left foot, and lighted; and this not forcing him to confess, he was, as if to prevent any hope of his recovery, detained several days at the Thannah, without any remedies being applied, and when brought in by the orders of the magistrate to whose knowledge the case had been brought, his hands and feet were in a state of mortification, and ultimately his fingers and toes rotted off. This is, perhaps, an extreme case of torture, and I am happy to say that all the police officers, though not the others concerned, have been severely punished. But acts of torture by Bansdollah, and other brutal and indecent means, are of frequent, too frequent, occurrence by the police; and what can be said of that system of total want of check and control which could admit of a Darogah, with other police officers, adopting such measures towards a party falsely charged, to his knowledge, of being engaged in a dacoity, with any hope of non-detection and escape? Before the poor victim was sent in, he was compelled to sign a paper, stating that his hands and feet had been injured by severe binding, without the knowledge of the Darogah. Only the cases of oppression and petty assault which have been carried through, have been entered under the miscellaneous heading, and in these 105 persons were brought in, thirty released, fifty punished, and seventeen remained.'"

It might be doubted whether the poor wretches who had been so inhumanly treated would derive any consolation from hearing of the exploits of Generals Nott and Pollock. The hon. Baronet had thanked God because the President of the Board of Control had not attempted to deal with the question of land tenures. Seeing that this question was intimately connected with the happiness of millions of people, it was not easy to understand why the hon. Baronet should rejoice that it was ignored in a measure which was introduced professedly for the good government of those millions. The question of land tenures, taken in connexion with the raising of the revenue, exercised the most baleful influence upon the native population. Mr. Marshman, in the *Friend of India*, after referring to some necessary reforms, said—

"All these precautions, however, would be of little effect in securing the happiness of the people, if they were not accompanied by a corresponding degree of liberality in the actual settlement of the amount of yearly assessment. We know of nothing more wonderful in the history of taxation, and of nothing which to our mind so perplexes the whole question of land assessment, as the sudden and almost irremediable ruin which overspreads an Indian district when an over-assessment has been placed upon it. A few turns of the revenue screw, the change of a moderate for a rigid commissioner, will convert a flourishing province into a desolate pauper warren. The people of Bundelcund have scarcely yet forgotten the hated name of 'Warin Saheb,' whose 'settlement' actually reduced the population of the province; and even in our own day Chittagong has suffered most severely from the injudicious severity of an honest commissioner."

The right hon. Member for Edinburgh (Mr. Macaulay) had unintentionally corroborated this statement, and at the same time passed condemnation on the existing system, when he said that the character of a government official might be read in the countenances of the population of the district in which he happened to be employed. Though he had listened with delight to the right hon. Gentleman's speech, he was bound to state that it was hardly possible to conceive a weaker defence than he had offered for the Government. The inhabitants of India had some right to expect that that right hon. Gentleman's great abilities would have been exerted in their behalf and against this Bill, seeing that the promises he himself had made them had all been violated—that the hopes he had held out had proved delusive—and that the clause which he insisted on having introduced into the last Act had been treated as if it had never existed. Under these circumstances, he repeated, the people of India had reason to expect that the right hon. Gentleman would have endeavoured to prevent their being leased out again to their oppressors. Nothing could have caused him more astonishment than the manner in which the right hon. Gentleman referred to the salt tax, unless, indeed, it was his allusion to what had been done with respect to the transit duties, as a proof of the wisdom of the Company. The *Calcutta Review* for March, 1853, gave the following account of the effects produced by the salt tax:—

"We take up the salt revenue as presenting an evil by which the health and lives of the community are seriously affected. Salt is a main essential of health and life in a tropical climate; to deny it to the human frame, or to deprive it of the necessary supply, is as certain an evil as the want of food or water. In Indian languages, to 'eat one's salt' has the same import as in English to eat one's bread. . . . . . The curse which this tax thus proves to the country is manifest to every one intimately acquainted with the condition of the poor; not only do they suffer from the ruinous price at which it is sold, but from its deleterious character. They eat, but they are not satisfied; they heap on salt, for which they have paid dearly, but there is no savour in the rice; and those who cannot afford to purify it are compelled, in violence to their habitual cleanliness in diet, to consume a large proportion of injurious sand and filth. Disease is the inevitable result, especially in a low country, and where vegetable diet is the universal food. . . . . . We object, then, to this monopoly from its inhumane operation upon the lives of the people. We cannot, however, politically see the necessity or expediency of the tax. It chiefly works for the advantage, not of the revenue, but of an iniquitous trade, the Company having only 300 per cent, and the trade 800 or 1,000. But even did the Government gain the whole nine millions a year, which the people probably pay for salt, it would ill compensate for the human misery and loss of life now entailed. But it is objected that the important tax raised from salt is necessary for the maintenance of the revenue. It is granted that the necessary revenue must be raised; but would it not be wiser to obtain such revenue from any other source, which does not affect the health and lives of the subjects?"

Mr. Marriott, who had held high office under the Company, and been a member of the Council, declared that in some districts the population was verging on pauperism, and that a large portion of the revenue was paid out of capital, consisting of the personal property of the natives, such as ornaments and jewels. The mass of evidence to the same effect which was before the world justified him, and those with whom he was acting, in receiving with some degree of distrust the glowing accounts of the condition of India with which the right hon. President of the Board of Control, and the hon. Member for Honiton (Sir J. Hogg) had favoured the House. In reply to the charges made against the Company, the hon. Baronet the Member for Honiton had referred to some philanthropic passage in one of the despatches of the Court of Directors. Why, the worst of Governments might vindicate the worst of its acts by such a process of reasoning as that. Gulliver narrated that, when the king of Lilliput was about to commit any act of unusual severity upon his subjects, he invariably prefaced it by a declaration of lenity, so that his faithful subjects never failed to be filled with consternation the moment he dropped a hint of his paternal regard for them. Without going so far as to say that the tale of the satirist had been realised in India, he had a right to demand that the government of that country should be judged by what it had done, not by what it had said. Let us not act like the man described by the great Italian poet, who carried a lantern to warn others of danger, while he blindly rushed on destruction himself. If the people of India could not claim free institutions, they, at least, had a right to responsible government. Parliament was now on its trial, and it would be judged by the latest posterity. Let us, then, hope to see the reverse of a picture which every Englishman who had the honour of his country at heart must turn from with feelings of shame and indignation.

MR. MONCKTON MILNES said, he should confine himself in his remarks to such information as he had been able to derive from the best works on India, having no personal knowledge of the country. He felt that the general question was an immense and complicated one; but the one now before the House was, whether they had had sufficient information to enable them to make up their minds. He was of opinion that the House was in possession of sufficient information to enable it to legislate, and that no case had been made out for changing the present Government of India, for, after all, that was the question which they were called on to decide. They found in the history of the British administration in India a continual series of lessons that ought to inspire them with the deepest humility. They found the best men constantly exerting themselves to bring about the happiest results; and yet how often were their transactions doomed to disappointment. In a letter from Sir John Malcolm to Mr. Barlow, soon after the permanent settlement of Bengal, there was a most favourable account of the condition of the country, and the system under which it was ruled was described as the most benevolent plan that ever had been devised. In a memorandum of Sir Thomas Munro, a similar opinion was expressed with regard to the ryotwar system; but it was found that both the systems so lauded had very great defects. They should be careful, therefore, not to form any rash judgment on the matter. The English Government of India was the only instance in the world of the westward tide of civilisation being thrown back upon the East. In this attempt the French, Dutch, and Portuguese, had all failed, and we alone remained the governors of 150,000,000 of Orientals. Owing to the mixture of races their government was a matter of great difficulty. With regard to the land assessment, all that they found on record as to the history of the origin of this impost showed that the Directors had been anxious that it should be prudent, and just, and humane. And this was what might fairly have been expected; for he could not suppose that the Government of India had any motive or desire to act severely or harshly towards the natives of India. As to the particular form of government, he would say but little. He demurred somewhat to the use of the term "double government," as understood by those Gentlemen who were opposed to it. He believed it would be found that the real double government was the government by the Directors and the Governor General of India. He did not think they would find that in the administration of India there had been anything peculiar or remarkable as regarded the action of the Company on the Government, or that did not naturally flow from the peculiar circumstances of the case. In all our Colonies, there existed the same condition of double governments; and the difference with regard to India was little more than that the circumstances of the case rendered it imperative for the administrative government of India to be established in London instead of Calcutta. He believed there had been a great deal of sophistry employed on this matter; and that if they looked at it in the simplest light in which it could be viewed, it would be found that the East India Company exercised legislative and administrative duties independently of politics. As to the canvass, which was said to be so extremely derogatory, he could see no reason why it should be more derogatory than the canvass required for admission to that House. It was said, some of the best Indian servants were excluded from the Court of Directors; but so were many of the best men excluded from that House. With regard to public works, that was, no doubt, a matter of great importance; but when they spoke of the want of roads in India, it should be recollected that in Portugal (our most ancient ally) there was but one great public road; and in many of the countries of Europe a similar want existed. On one point he differed entirely from the Bill before the House, and, when that point came before them in Committee, he should freely express his opinion regarding it. He was sorry to find himself in opposition to the right hon. Gentleman the Member for Edinburgh on that subject, namely, the system of open competition. He did not believe the Government would find any advantage from that system; but when the Bill was in Committee would be the proper time for the discussion of that question.

MR. BRIGHT said, the question before them was one which, as much as possible, they ought to adhere to; but he suspected that the hon. Member for Pontefract had been indulging in a little of that fancy for which he was distinguished, in dealing with what ought to be a practical question. The question was, whether they would take the Bill offered by the right hon. Baronet the President of the Board of Control, or delay all permanent legislation for India for two years—that was to say, pass a mere Continuance Bill, extending the duration of the present Act from the 30th of April, 1854, to the 30th of April, 1856; for that was practically the result of the noble Lord's (Lord Stanley's) Amendment, if it was adopted by the House. He was not himself less strongly of opinion than before, after all he had heard, that it would not be wise in them to refuse agreeing to the proposition of the noble Lord, rather than to the Bill before the House. He was not at all certain, even though the Bill were less objectionable than it was, that it would not be desirable to have such delay as the noble Lord proposed; and he put it to the House whether, the week before the right hon. Baronet brought forward his measure, it was not the general opinion that legislation should be put off for two years, and whether this was not also the opinion of the country, so far as that opinion could be gathered from the expressions of the public press? There could not be a doubt that the great majority of the most widely-circulated and most ably-written newspapers were in favour of delaying legislation for the present; and he believed that had been the opinion of the Government itself, for there was strong reason to believe that a week before the right hon. Gentleman brought in his Bill, they had come to the conclusion that legislation this Session should only be temporary, and that a permanent measure should be put off till Parliament had time fully to consider the question. If they went to India, what was the opinion of the people there, as expressed in the petitions from Madras, Calcutta, and Bombay, whether of the Christian, the Mahomedan, or the Hindoo population? These petitions made statements either asking directly for delay, or such as fairly left it to be inferred that they were in favour of delay. But if they wanted to know the opinion of a great authority in India, he would quote from a paper which had been often referred to during the debate, and which might be fairly quoted from as a paper strongly in favour of the Indian Government, because its editor and proprietor, who was now in this country, had been made use of as one of the most powerful instruments for inducing Parliament to pass this Bill during the present Session. He must say he was well pleased to meet with the quotation he was about to read in such a place, because it could not be said that it was only one of those mistaken notions which they were said to put forth on that side of the House. Within twelve months from this time there appeared in the *Friend of India* this paragraph with regard to this very question of legislation:—

> "But it will be impossible to obtain a sufficient body of evidence, in so brief a period, on all the various and complicated questions connected with the administration of India; and it would be an act of superlative injustice to legislate for this country for twenty years to come, without a searching and complete investigation of the present system. The natives of the country, who have made greater strides in knowledge during the last twenty years than in the 1,000 years which preceded them, ought to be fully heard before the Committee. The great interests at stake in this magnificent dependency of the Crown require that mature examination for which there will be no longer any adequate leisure or opportunity before the expiration of the old Charter. The most advisable course would be to pass a brief Act, extending the present arrangement for two years longer, with the exception of one measure—that of appointing a separate Governor for Bengal, and then to appropriate 1853 and 1854 to the collection of evidence by a Committee, and the year 1855 to the calm and deliberate discussion of the improvements required in the Government."

The House would observe that reference was here made to the establishment of a Government for twenty years; and the editor of the *Friend of India* stated, that, if the Bill was not to be for twenty years, he would not object to legislation during the present Session, as great questions would probably arise next year. However, he (Mr. Bright) thought they were likely to know as much of the great questions next year as this gentleman, and therefore that might be fairly left out of the question. He confessed he did not like this Bill better because it did not fix a period. In the last Act a clause was inserted by which it was to terminate on the 30th of April next year; and if that Act did not so terminate, by a Resolution of that House, adopted in 1833, this very Government of India, with the many faults that all must acknowledge to belong to it, might have gone on for ten or fifteen years hence without any sensible change. And when he considered the great difficulty they had in calling the attention of the country and of Parliament to such a distant dependency as India, and that they could not hope in any year to have a complete investigation into its condition, he was not certain, if this Bill passed in its present shape, that, however feeble in conception, and however unstatesmanlike it might be, it might not have an existence quite as long as the one which was now about to expire. Well, they had to set against the arguments in favour of delay a letter of Lord Dalhousie. No, not the letter—that was not produced, notwithstanding the conclusive argument of the hon. Member for Newcastle-on-Tyne (Mr. Blackett) the other night, as to the constitutional doctrine and Parliamentary practice, that the Government had no right to use despatches, documents, or private letters from any of their correspondents or agents abroad without laying them before the House. Nevertheless, they had had to-night, he believed, from the First Lord of the Admiralty, another argument based on the fact that the present Governor General of India in that letter asked that legislation on India should proceed during this Session. Why, he dared say that the right hon. President of the Board of Control, or the hon. Member for Honiton (Sir J. Hogg), signified to Lord Dalhousie that it would be desirable that such an opinion as he had expressed should be ready to be laid before the House when this question came to be discussed. He did not say that that was the case, but it was remarkable that the letter should be concealed. The House would be giving up its prerogative to act on great questions like the present, if it were to have no voice on the question of delay, simply because it was told that somewhere in a private note from Lord Dalhousie there was advice given to legislate during the present Session. It was probable that Lord Dalhousie himself was not in favour of the present Bill, and very likely his letter did not say that the present measure was the particular measure that ought to be passed. He suspected, indeed, that nobody in the House or out of it was in favour of the Bill except the right hon. Baronet the President of the Board of Control. Even the right hon. Gentleman's secretary (Mr. Lowe), in speaking in answer to the noble Lord who moved the Amendment, appeared to have avoided, in the most ingenious and purposed manner, any approbation of the Bill; and he complimented the hon. Gentleman on the judicious course he had pursued. The hon. Member for Honiton (Sir J. Hogg), who made a speech three hours long on the bringing in of the Bill, did not say a word in favour of it, though he called upon the House to legislate now, and to have the double government. Of course, everybody who was connected with a system like the one existing would say, "Legislate now." Nobody more than the hon. Member for Honiton was convinced that, if this matter were delayed for two years, not all the Lord Dalhousies or Boards of Control in the world would persuade Parliament to pass a measure of this kind. Therefore, the hon. Member called for immediate legislation, and the preservation of the double government—which was conducted by the right hon. Member for Halifax (Sir C. Wood) in Cannon-row, and by the hon. Member for Honiton in Leadenhall-street. For it was not to be concealed that the hon. Member for Honiton, by his great capacity, his subtle ingenuity, untiring energy, perseverance, and, without offence be it spoken, by his ambition, had made himself in great part master of the India House; and he (Mr. Bright) never saw an unfortunate Director of the East India Company, but he fancied he saw him with the hon. Member for Honiton astride on his shoulders. The hon. Member for Guildford (Mr. Mangles) was anxious to make a crushing speech against him (Mr. Bright); but he thought that the hon. Member found that most of his positions were invulnerable. The hon. Member for the University of Oxford (Sir R. H. Inglis), though he intended to vote for the second reading of the Bill, appeared to be more against it than he (Mr. Bright) was; and the right hon. Member for Stamford (Mr. Herries) was understood to speak most decidedly against the measure, though he objected to vote for the Amendment. Then, with regard to the hon. Member for Montrose (Mr. Hume), that hon. Member in desiring a double government had a principle, for he wanted the Court of Directors to be a real body, and to constitute a valid check on the Board of Control. He differed with his hon. Friend the Member for Montrose; but he could comprehend his principle, and if the double government were to be continued there could not be the slightest doubt that the hon. Member for Montrose was right in the course he took. It seemed, then, from all that he had observed, that the House was called on to do that of which really nobody approved, and to leave undone that, which from all he could collect, everybody desired. Under these circumstances he should say that delay was wisdom. Two Sessions hence they would have fuller information and a more ripened public opinion. There was, he considered, gross inconsistency in the conduct of the chief speakers in favour of the present Bill. The right hon. Members for Halifax and Carlisle, and the hon. Members for Honiton and Guildford, had all spoken at length; but no one could affirm, from what they said, that the Bill in its principle as affecting the Government at home had been either examined or in any degree defended. Their speeches had been taken up with an elaborate panegyric of the Government of India as it had existed for the last twenty years, and that had been taken to be a defence of the present Bill. In point of fact, that course of proceeding gave up the case that any material alteration or any *bonâ fide* change was being made in the proceedings of the Home Government. If he had thought the past so very good, he should certainly vote against the present Bill, on the ground that it would not be desirable to make any change. But he altogether denied the facts and repudiated the conclusions put forward with respect to the past. He believed that the Home Government was neither correct in theory nor advantageous in practice, as might be shown by the condition of the people over whom it had rule. The hon. Member for Honiton (Sir J. Hogg) sneered at him for reading extracts from newspapers, and then he himself read extracts from the *Calcutta Review*. Now, the *Calcutta Review* was, he thought, entitled to as much credit for its statements as any respectable periodical published in this country. And the last number of that *Review* which arrived in this country, whilst these discussions were going on, contained the following statement:—

"There can be no doubt upon the mind of any unprejudiced person, that the wealth of the country is fast and visibly declining, and that the temporal circumstances of the poor are wretched in the extreme; and this decline is especially marked in its most fatal results upon the industry of the country and the condition of the peasantry."

After alluding to various causes, the *Review* proceeded—

"These combinations of causes, working for many years, have brought one of the richest countries of the world into the very extremest state of poverty, which finds a kind of relief in the devastations of periodic famines."

It was impossible to turn to any publication connected with India, or to converse with any individual who had been in that country, without coming to the same conclusion; and he believed there had been given before the Parliamentary Committee of that House, only yesterday or to-day, evidence from a disinterested gentleman connected with the planting interest quite as conclusive with respect to the condition of the population. It was said that the Government of India had preserved India in tranquillity. As far as outward violence was concerned, there was no doubt that that was true, and that was a great advantage; but it was the duty of the Government to keep the country in tranquillity not only from external enemies, but from internal violence. On the last occasion of his speaking he had quoted the case of a hostile conflict between zemindars and their followers, in some part of Bengal; and he would state another case of the same kind—perhaps a more grievous case—and this showed that these events were almost of daily occurrence. There was a fight between the retainers of two zemindars, in which 500 persons were engaged. Guns and pistols were used, and lives were lost. The paper in which this riot was noticed, stated—

"It is not impossible that the the report of this engagement may be somewhat exaggerated; but there is nothing in the known and acknowledged condition of native society in the interior to render it improbable that two zemindars should bring a large body of armed men into the field to fight out their quarrels, and that the casualties should be heavy. These events are of such constant occurrence, that they have long ceased to attract any attention, except when, as on the present occasion, the combatants introduce the innovation of guns and pistols. The peace of districts is broken at night by organised dacoits, and in the day by the armed retainers of the zemindars. There must be something radically vicious in our institutions when we cannot prevent the assemblage of armed bands to break the peace, in districts so pacific as those in the lower provinces, and at the bidding of men so utterly pusillanimous as Bengalee zemindars."

Mr. Bright

The writer went on to state that the British Government was as much bound to protect its subjects from internal marauding as external violence; that in the latter duty it was successful, but in the former it signally failed. In the same paper there also appeared the following statement:—

"We will venture to assert, without the fear of contradiction, that more dacoities are now committed in Bengal in a single year than were perpetrated in five years of Aliverdy's reign a century ago."

He therefore could not conceive how eulogiums on a Government could be justified when, in its oldest possession, where the population was most docile, such occurrences could with truth be said to have taken place. The hon. Member for Guildford (Mr. Mangles) had taken a course which he found that many friends of the East India Company had pursued—that was, they had defamed the people whom they had oppressed. The hon. Member for Guildford denied that the natives were competent to take office, and he said that the great proportion of the evils complained of were to be attributed, not so much to faulty administration as to the inherent depravity of the people; that perjury and lying were something inherent in their character, and not to be attributed to the faulty system of the Law Courts. Now, he asked the House to listen to the statement he was about to read. Mr. Campbell said—

"The longer we possess any province the more common and grave does perjury become, and the more difficult to deal with.

"There is a great deterioration in course of time, and hence I infer that the lying and perjury so much complained of are quite as much due to our judicial institutions as to the people."

Only two days after the speech of the right hon. President of the Board of Control, he (Mr. Bright) received a letter from a gentleman who had been for thirty years in the north-western provinces of India, and the following was an extract from his letter:—

"It may, perhaps, in answer to his (Sir Charles Wood's) observations on the excellence of the Courts, do to ask him how it comes that the people of the hill provinces of Kumaon and Gurhwal, who were remarkable for telling the truth, have become since, and in consequence of, the introduction of our Courts, as bad as the rest of India for giving false evidence. It is well for Sir Charles Wood to talk of the mendacity of the natives; but much of it is created by our Courts, and any good revenue officer will tell you that he can get the people to tell truth enough out of the Courts and in the villages, which same people, as a matter of course, hide truth and utter falsehood before our Courts."

The fact was, that such was the corruption of the system, that every man found, on going into the Courts, that by relying merely on the goodness of his case he had no chance, and therefore the people were driven to that frightful immorality which was so prevalent, that lying and perjury were common in almost all the courts. Those hon. Gentlemen who represented the East India Company had dwelt with great complacency on two public works, so that he fancied the House would never cease hearing of the great trunk road and the Ganges Canal. This road ran from Calcutta to Benares, through a jungle for half the distance; and however excellent a road—and he did not deny its excellence as compared with any other—it was purely a military road, serviceable for military and government purposes. It was not a road extensively used for commercial purposes; and it could not be, as it ran for more than 200 miles through jungle. It was not used for agricultural, commercial, and economical purposes, and therefore the statement that the road existed was no answer to the complaint that he made, that the Indian Government had not made roads in India. He thought that Mr. Melvill was asked whether the Governor of Bengal took journeys through the province; and that gentleman replied, that, during the last half century, he believed no such journey had been taken, the only excursions being short ones for tiger shooting and purposes of that kind. Mr. Marshman was asked whether it would not be beneficial for the Governor to travel through the Presidency; and his answer was that there were no roads on which the Governor could travel. The East India Company had spent only 5,000,000*l.* on public works since the year 1833, whilst in this country there was an expenditure for railways alone of 10*l.* per head for every man, woman, and child in the kingdom. In Lancashire, with its 2,000,000 of inhabitants, there were 20,000,000*l.* expended for railways alone; whilst the East India Company, with its 29,000,000*l.* of revenue, did not spend more than 5,000,000*l.* in twenty years for its 100,000,000 of inhabitants. Colonel Sykes, who was a very dangerous champion of the Company, said that the Company expended 300,000*l.* a year on public works. But the people of Manchester had expended more for their internal improvement than the East India Company with their vast empire. The hon. Member for Montrose (Mr. Hume) moved some months ago for a copy of the Report presented to the Government of Madras respecting the whole question of public works. He (Mr. Bright) was told that a copy had been in the India House for the last six weeks, but it was not yet laid before that House. No; but it would doubtless be presented as soon as the House had settled the present Bill, for it contained the most conclusive evidence with respect to the scandalous neglect of the Government in the Presidency of Madras. In 1850 Lord Dalhousie, when at Bombay, received a remonstrance from almost every merchant there, complaining of the neglect of public works, and stating that the produce from the interior could not be got to the port. In the year before last the Manchester Chamber of Commerce sent a gentleman of intelligence and respectability to collect information in India, and he would trouble the House with a small extract from Mr. Mackay's report, which corroborated all his (Mr. Bright's) statements on the subject. Mr. Mackay, unhappily, did not live to finish his reports; but they were now, so far as they had been completed, in the hands of the printer, and he (Mr. Bright) hoped they would soon be in possession of the public. The province of Guzerat, from which cotton was obtained, was about as large as England; it contained a population of 5,000,000 or 6,000,000, and it yielded a revenue of not less than 500,000*l.* a year. Now, it appeared from Mr. Mackay's statements with regard to this province, that all the roads in it measured only twenty-three miles and three quarters. Mr. Mackay's statement was—

"We have thus, within a province larger than all England, a province which is drained annually by Government of half a million sterling in the shape of land tax alone, and part of which has paid its full proportion of that half million for the last fifty years, but about twenty-four miles of made road—an aggregate length scarcely equal to the distance between London and Gravesend. And, as if all the more forcibly to illustrate the great sin of omission in this respect of which the Government has been guilty towards the province, the whole of this miserable pittance of made road, which so ludicrously contrasts with the crying wants of the country, has, with the exception of the four miles of rough causeway from Surat to Variow, and the three quarters of a mile between Keemchokee and the Keem, been constructed either with a military object in view, or for the mere purposes of pleasure. As for a bridge, with the exception of the wooden one already alluded to as spanning the narrow deep stream near Kaira, such a thing is not to be met with along the line of any highway in Guzerat."

With Guzerat might be contrasted the island of Java. It was about the size of England, containing 40,000 square miles, with a population of 10,000,000, and, since 1810, there had been made more than 900 miles of excellent road travelable at all seasons of the year; and yet the climate was as hot as that of India, and they were governed from a distant country. But in Guzerat there were only twenty-four miles of road, after a possession of fifty years. The right hon. Gentleman the Member for Edinburgh (Mr. Macaulay) spoke in favour of the Government, not in favour of the Bill. He had expected to hear from the right hon. Gentleman all that could be said in favour of the Bill, and he was not disappointed. There was one thing to which he turned the attention of the House, perhaps without seeing the whole bearing of the observation. The right hon. Gentleman told the House that a collector was actual governor of a large district, with, it might be, 1,000,000 of inhabitants; that his power was so enormous and despotic that he could wither up the prosperity of a district, banish cultivation, and bring back the jungle where cultivation had taken place; but that was not an original idea, for in 1850 he (Mr. Bright) had said the power of the collector was such that he could either make or mar a district, and he quoted from some evidence of a collector given before the Cotton Committee in 1848. But, if that were so, was it not infinitely more important they should take care that the Government from whom those persons emanated, and by whom those duties were intrusted to them, should be a Government as theoretically correct as they could make it, and calculated, not only to appoint good men, but to establish sound principles, and to keep a constant watch and supervision over all its servants in India? He could quote the case of Bundelcund, where a collector, between 1820 and 1836, made a prosperous province a desert and a wilderness—where for twenty years a system of extortion and ruin continued; and, although he would not say for a moment that the hon. Member for Honiton (Sir J. Hogg) or his Colleagues would countenance such a state of things, if they knew it, yet it went on for twenty years, until the province was almost destroyed and depopulated, and received no check, no correction, no remedy from the Government at home or in India. But, take the province of Guzerat. There was the evidence taken in 1848 of Mr. Davis and Mr. Stuart, both of them collectors in the province, in which they showed that the Government assessment took from 60 to 90 per cent of the gross produce of the soil; and that, if it could have been extorted from the people, it would not have been less than 90 per cent. The hon. Baronet the Member for Honiton made use of a very flimsy, and—he did not mean it offensively—a very foolish argument. He said, if they could only have Manchester intelligence in India, great results would be accomplished as to the matters of which complaint was now made. He (Mr. Bright) was trying to tell him some of those results; and he was, he believed, speaking almost the unanimous sentiments of the merchants and manufacturers of Manchester. But how were Englishmen to be tempted to settle in India? Mr. Melvill, in his evidence—and he was not disposed to say anything unnecessarily unfavourable of the Company—said there were not more than 317 Europeans in the interior of the country engaged in agriculture or manufactures, in Madras, Bombay, and Bengal, and that he believed the number of Europeans in India had not increased since 1834; that indigo or sugar planters had not increased more than they were about fifty years ago. If Englishmen were clamorous to go to India for twenty or twenty-five years, for salaries for which they were willing to give 3,000*l.* or 4,000*l.*—if it were lawful to buy the appointment, and to come back with pensions of 1,000*l.* a year, 500*l.* of which was deducted from their salaries—he wanted to know how it was that energetic men, competent to all matters of business, did not go out to that country to settle for fifteen, or twenty, or twenty-five years; for, if the climate was no objection to the civil servant or the soldier, it would not be so to a commercial man, if he could make a return equal to that of those who were engaged in the service of the Company. He thought there were obstacles that made it impossible for an Englishman to invest his capital in India with advantage, and for himself to settle there permanently. With respect to the debt of India, the hon. Member for Honiton made a very amusing answer when he (Mr. Bright) said all their dividends had been paid out of borrowed money. The hon. Baronet said the dividends were the first charge upon the revenue, and that the borrowed money was spent in some other way. That was puerile. What he (Mr. Bright) meant was, they had borrowed an amount equal, for the last twenty years, to the whole dividend of the proprietors; and, if they had spent as much as they had spent, and had not borrowed money, the dividends of the proprietors would not have been paid. He said the prospect of Indian finance was gloomy. The hon. Baronet the Member for Honiton said it was not; he said that with an increased debt they had an increased revenue. But he (Mr. Bright) should have thought the test of good government was, with an increasing revenue they should have a diminishing debt. Why should they copy the example of a great country, and, because we had a debt of 800,000,000*l.*, say that India should have a debt of 50,000,000*l.*? But the unhappy circumstance of Indian finance was this—there was no elasticity in it. They could not increase the land tax. The hon. Member for Honiton said there was a large increase, but did not say how much was to be claimed for those districts which were only recently brought under our Government. He would not speak of the salt tax, for that had been alluded to by the hon. Member for Leominster (Mr. J. Phillimore); but he must say, that if there was not elasticity in the finances, there was little chance of getting rid of a tax that was one of the most cruel in existence. The hon. Baronet admitted that he (Mr. Bright) was quite right about the precariousness of the opium revenue. That was a very serious matter. What would be the style of the speech of the right hon. Gentleman the Member for Halifax (Sir C. Wood)—would it be so jaunty or so long, when he should come to the House and say, that with an increased debt there was an increased deficit from the failure of the opium trade? Then, perhaps, the right hon. Gentleman would think it convenient to consider this subject more at length, and not in the hot nights of summer to thrust a measure before the House at the close of the Session, and insist upon the House passing it. If that were the result and the fruit of the tree, he should ask the House to look to the constitution of this Government, for he was not going to shirk the examination of the Bill. None of its defenders would undertake to advocate the beauty of its proportions, or the smooth working which was likely to be expected from its machinery. It was a violation of every principle of representation—it was a representation where the constituents had not the slightest interest in the country they were about to govern. He was told that a banker in the City of London commanded 300 votes of the East India Company, whose word for the election of Directors was almost absolute law. He need not name him; but the hon. Members for Honiton and Guildford could easily tell the House to which he alluded: he did not say that individual had exercised his power improperly—he charged it not against him; but such was the fact, or he was greatly mistaken. A highly intelligent Member of that House related to him a fact as to a relative of his, who had made himself acquainted with everything in India, and had returned to this country to become a member of the Court of Directors; but when he found the channel through which he was to pass—the canvass he would have to undergo—the supplications he must make—the pledges he must give—he declared there was no crossing in London he would not rather sweep for a livelihood, than get into the Direction under such circumstances. All persons were not so particular. The hon. Member for Guildford (Mr. Mangles), if he would but unbosom himself, could keep the House alive for hours with amusing stories of what took place in canvassing to become a member of the Court of Directors. But there were 2,000 persons who took no interest in India who elected twenty-four persons, or, as the right hon. Member for Halifax now determined they should henceforth be, only twelve, and upon those persons so elected there was no individual responsibility. Mr. Melvill told the Lords Committee—he did not say it was the hon. Member for Honiton, though he (Mr. Bright) was sure Mr. Melvill had him in his eye—that the cleverest of the Directors managed the proprietors in such a manner that if the proprietors were likely to propose anything troublesome, he always got rid of it; but there was no responsibility in that way. The proprietors were dead for all purposes for which they once existed as the governors of India, and yet they were proposing to keep up a system which was rotten and abhorrent to the feelings of the people of India. Mr. Melville said they ought to have a quorum; that so little interest was taken in matters that they could not get the proprietors to attend; and that it was deplorable to see four or five proprietors sitting there, and if some person took an interest in such an unfortunate individual as the Rajah of Sattara, to hear him haranguing the Court until perhaps twelve o'clock at night. But the

Court of Proprietors had no control over the Court of Directors, and the Court of Directors had no control over the Secret Committee, and the Secret Committee had no control over the Board of Control, for the right hon. Member for Halifax could do what he pleased as regarded that Committee. The press had no control over that body, and Parliament itself was deluded and baffled whenever it attempted to lay hold of anything connected with India. After ten years' experience he defied any Member of that House, unless he was a Member of the Government, or acted with the Government, to grapple with any question that took place in India—to lay hold of it—to fathom it—to remedy it if it were a grievance, as he would any question at home or in the colonies. That was the grievance he complained of as to the Government of India as at present constituted; and no Government or Bill that continued that subterfuge—that put that mask on a great empire, would ever meet from him any other opinion than that which he had expressed of the present Government, and the Bill which the right hon. Gentleman the Member for Halifax had introduced. The hon. Member for Honiton spoke of war, and the ruinous expense, and said to him, "Why not give us back the 15,000,000*l.* spent in the Affghan war?" He (Mr. Bright) cheered that, and could not see why that money should not be given, for nothing more infamous could be conceived than that the innocent and helpless people of India, whom our soldiers had conquered, should be taxed to carry on that inglorious war, in which, if we had been successful, they would have had no interest, and which he understood was undertaken to gratify some stupid notion of some Minister in this country. It was fair that should be paid from the English Exchequer, and then, perhaps, Englishmen would consider this question in a different light. But he would ask the hon. Baronet, did the Court of Directors protest against that war? Mr. Melvill said he never heard of it. They saw the ruin that was impending, the expenditure of the money, the injustice of the war, the increase of the debt, the embarrassment that would follow, the impossibility of slackening the screw on the ryot cultivator; but the Court of Directors, who were to be a check upon the Minister of the day, never protested against that grievous and infamous transaction; and there were far too many transactions of that character. He was not the defender of the Board of Control; but the men who sat in Leadenhall-street as the accredited rulers of India, holding the government of a great empire, and saw these things going on, and never told their grief, but sat there with their 300*l.* a year, revelling in the corruption of their patronage, and sheltered from the public opinion of the United Kingdom or the English press, had no right to stand up and charge anything against the Board of Control. He would mention one proof how little they had done. He had heard the speech of the hon. Member for Rochester (Sir H. Maddock) with great pleasure, barring the last sentence of it, and the hon. Member said he approved of some things in this Bill—he approved of the alterations proposed in the Government of Bengal. Only three years after the last Act was passed, did not the hon. Member for Honiton come down to Parliament to overturn a very important clause of it, and to get rid of the examination of candidates for the civil service of India? Why did they wait so long, then, before they came to Parliament to alter the Government of Bengal? There was nothing in the last Act to make it impossible for Parliament to remedy any abuses in India; it would have died out in 1854, and in the meantime Parliament might have legislated for India in peace. But one of his great objections to this Bill in its present shape was, that it had no termination—that it was to be passed for an indefinite period. He was very much afraid that in the multitude of questions that would come up, Indian questions might go to sleep again; for the saying was as old as the time of Mr. Burke, that the people of England paid no attention to India, unless there was some great emergency or a great calamity, which made it impossible for them to avoid giving their attention to it. He, therefore, did not like the Bill a bit better because it did not terminate in five or ten years. In fact, if it had terminated in five years, he should have liked it much better than he did now. He asked, why should they re-enact this Bill in the shape which the right hon. Gentleman the President of the Board of Control proposed? He thought the House had fair reason to complain that the Government proposed a Bill like this, and said nothing in its defence—that was, they did not show wherein it differed from what had existed before, and why it differed, and what was the advantage to be derived from it. We had still got a Court of Directors, but it was a different Court.

There was still a power in Leadenhall-street, but they had shorn it of some of its dignity, and had done much to degrade it, by avowing their opinion that its constituency was not fit to elect the whole body of Directors; and, that in order to check it and to thwart it, and to put better men into it, the Crown should select six persons whom it, or its Ministers, pleased. If he were in favour of a double government, he should not be in favour of this Bill, because, while it continued all the inconveniences of the double government, it impaired all that there was in the Court of Directors which could possibly be of any advantage in the Government of India. The Court of Directors existed as a check upon the Board of Control; but this Bill impaired the power of that check, and made no increased responsibility to that House. The consequence would be that the President of the Board of Control would continue to baffle them as his predecessors had done, and would shuffle them out of every charge that was made. Instead of having the affairs of a great Empire brought to the table of the House, they would have to be sought for through the by-streets and lanes of London, and would never be found, just as they never had been found in times past. There was a portion of Mr. Halliday's evidence which had not been referred to; and with regard to Mr. Halliday he would observe, that he believed no one who had come from India was entitled to greater respect; and he alluded to it because it showed that Mr. Halliday was clearly of opinion that there should not be one body sitting in Leadenhall-street, and another in Cannon-row. The right hon. Gentleman the First Lord of the Admiralty had mentioned the name of this gentleman, and had attempted to show, in a rather unfair way, that while Mr. Halliday knew everything about India, he did not know anything about England. Mr. Halliday was a modest man; but the fact was, that he had been Secretary to the Government in India, and was, no doubt, destined to fill a still higher office in that country. He said, in the evidence given by him on the 5th May last :—

> "Some people attribute every evil to the Court of Directors, and some to the Board of Control; but there is a notion certainly in India that the one is hostile and antagonistic to the other, and that by their mutual antagonism obstructions and difficulties are thrown in the way of good government. I think among tolerably informed persons in India there is a wish that the two could be made to act with greater harmony and unanimity—as one body instead of two, as one constitution of government, instead of two antagonistic bodies."

He went on to say—

> "If brought into contact, if writing were abolished, Government would acquire greater weight and authority; that the decisions would be more instructed and weighty decisions; and, instead of being occasionally open to the imputation that they are dictated or suggested by irresponsible persons in one or other of the two offices of the Indian Government in London, they would be looked upon as the result of careful deliberation and full information, possessed by the one Government acting in harmony and with the authority also of the Crown."

He added—

> "I speak entirely as the opinion in India, and the view taken of the Government in India, and, so speaking, I have no hesitation in saying that the acts of the Government thus constituted would be received in India as of much greater weight and authority than the acts of the Government as it is constituted at present, by natives as well as by Europeans."

It is now being more generally known in India—

> "That those three important members of the Court of Directors do, in fact, in signing those despatches, perform what is apt to be considered as a somewhat degrading office, for they certainly are made to sign what they never wrote, as if it was theirs; and it has become notorious, or is supposed necessarily to follow, that in a number of cases they sign what they actually disapprove of. The prevalence of such a notion in India with regard to an important function, in an important department, of the three most important members of the Court of Directors, cannot fail to lower those members, and through them the Court, and through them the Government, in the eyes of the natives of India. The truth in these matters will become more and more known every day."

Then, he went on—

> "I should wish that the Government should be carried on avowedly in the name of the Crown." "I think it would very much increase the weight and authority of the Government in India."

Uninstructed natives consider themselves farmed out to a company of merchants. This idea has a tendency to lower the Indian Government; and the notion of farmers in connexion with matters of government, is contrary to exalted opinions of the Government under which they live.

> "He thinks there is a practical loss of power to the Government of India by its being carried on in the name of the Company." "Every day is seen, in India, among the natives, a disposition to exalt anything which belongs to the Crown over anything that belongs to the Company. Officers are proud of being in the Queen's army. Queen's Judges and all officers belonging to the Crown are looked upon in a higher light than officers belonging to the Company."

Was there a man in that House who disbelieved that? Was is not natural? Should not we, were we in their place, and if we were to be conquered and ruled by another nation, prefer to be ruled under a mild Sovereign, and the dignified power which prevailed in these kingdoms, to being handed over to eighteen or twenty-four gentlemen, who accepted the offices they held, because many men were too delicate of feeling to accept them, and who were elected by a body of proprietors who had not a particle of sympathy with the people whom these Directers governed? Mr. Halliday's evidence was the evidence which any one of us, sitting at home calmly, might have given; but what we should have said, philosophising upon the subject, he said with the authority of a man most distinguished in India for his services to the Government of that country. He should say no more about this Bill. He believed they were losing a great opportunity. It was an unhappy circumstance that the measure had fallen into the hands of a Minister who did not appear to be capable of comprehending the vastness of the question which belonged to his department. He wished that the right hon. Gentleman had had the ambition even to have connected his name with a great, good, and comprehensive measure for the government of our Indian possessions. By the course which Parliament were now taking, they were ignoring our own constitution, and depreciating the representative institutions which we professed to value so highly. The Crown, the Courts of Justice, the highest interests of this great nation, and those of our great dependencies, were amenable to the high Court of Parliament. But this Indian Empire was so vast, so distant, so dangerous, so mysterious, that it could not be brought upon the table of that House lest it should become the victim of faction on one side or the other. He did not believe a word of it. Whatever evil faction did in that House, yet from the contests which they waged, there came the vast superiority in many things which was to be found in this country over most other countries in the world; and if matters in the Colonies were now better than they had been, or were rendered more secure to the people of those Colonies, it arose from the constant assaults of Members of that House upon the Government of the day, and from the constant appeals of the press to the judgment, benevolence, and intellect of the people of this country. With regard to the Indian Empire, if it were said that having been conquered by force of arms it was to be kept only by force and terror—if it were to be governed by a Government in a mask—if the people and Parliament of England were to be shut out from all consideration with regard to it—why, then the glory of that House would have departed, and we should have proved ourselves a nation which, having conquered a country, had maintained the conquest by force of arms, while we had not the intellect, the benevolence, or the ability to govern it as it deserved.

Mr. HARDINGE said, after the eloquent speeches which had been addressed to the House that evening, it would be presumptuous for him to detain them above a very few moments. He should vote cordially in support of the second reading of this Bill, because it proposed to continue the system of double government, and to legislate immediately. He was strongly in favour of the double government, because he believed that the interposition of the Court of Directors between the Crown in this country and the Government in India, had proved a bar to Parliamentary and political influence in that country, which was much to be deprecated, as Mr. Halliday had stated in evidence. He was also in favour of immediate legislation, because he had great faith in the opinion of Lord Dalhousie, great faith in the opinion of one whose name he was proud to bear, and great faith, also, in the opinion of Lord Ellenborough, who had expressed his belief that it was high time to put their house in order, and to legislate immediately. The effect of postponement would be to occasion a most mischievous agitation; and on this subject he found that Mr. Marshman, in his pamphlet, addressed to the hon. Member for Manchester, said—

> "It is difficult to overestimate the mischief of keeping open the question of the future government of India for two or three years, and thus unsettling the minds of men in India, and encouraging that feeling of excitement which cannot fail to weaken and embarrass the Government."

With regard to the Amendment of the noble Member for King's Lynn (Lord Stanley), Mr. Marshman added—

> "Parliament is, therefore, sufficiently in possession of the views of the Native community, as well as of the opinion of Europeans acquainted with Indian subjects, regarding the construction of the future Government, to be justified in proceeding at once to legislation."

In these views he entirely concurred, and it was on these grounds that he should support the measure proposed by Her Majesty's Government. There had been a number of petitions presented to that House. He could not say whether they reflected the opinions of the people of India; he believed that they were much exaggerated, and he begged to remind the House that Lord Ellenborough had said, in a recent speech, with reference to them—

> "He thought there was much exaggeration and misunderstanding in some of the statements in the petition. The petitioners stated that India had been left by its present Government in a state of extreme misery, which was utterly disgraceful to its rulers. . . . . But that which was considered misery in England, particularly at Manchester, was not perhaps considered misery in India. . . . . The petitioners stated that under the British Government the progress of the people in industry and wealth had been retarded. When any of our provinces in India had come under their dominion, he apprehended that none of them could be considered to be in a state of progress; at best, they were in a stationary state."—[3 *Hansard*, cxxvii. 309.]

Mr. Robert Bird, too, when asked—

> "Do you think the statements we sometimes hear made of the abject poverty of Natives of India are exaggerated, or otherwise?"

Replied—

> "I am perfectly certain they are invented, not exaggerated, speaking of the people with whom I am acquainted."

Mr. Mangles, Mr. Edwards, and other witnesses, had given similar evidence. An intelligent Native of the Nizam's dominions, at that moment present in the gallery of the House, had likewise stated that the ryots in the Nizam's province were infinitely worse off than the ryots in our own provinces. He might allude to the Punjaub as a brilliant illustration of the conduct of our Government there, as exhibiting great moderation in the first instance, and an earnest desire to ameliorate the condition of the people. Upon this subject the *Calcutta Review* said—

> "The last two years have been fertile in measures for the physical improvement of the country. The administration of civil justice has been simplified, technicalities have been abjured, reference to arbitration has been resorted to under sufficient checks and regulations, and, to save both time and money to the parties, Native local officers have been extensively vested with judicial power to try petty suits."

The public works, he found, were attended to, and 85 lacs of rupees were about to be spent upon them, 20 lacs of which had already been laid out. As to the Punjaub not paying its expenses, on which the hon. Member for the West Riding (Mr. Cobden) had remarked, it was stated in the *Calcutta Review* that the Punjaub and its dependencies did, for the first two years, yield a surplus of 2,000,000*l.*, after paying its civil and military expenses. Against this must be set items of additional military expenditure, such as batta and additional Queen's regiments, amounting to about 30 lacs, so that in fact the surplus for the old and new territory amounted to about 54 lacs. It was not fair of his noble Friend (Lord Stanley) to charge the Punjaub with the expense of the whole force occupying it, as not a man of the regular Bengal army had been increased in consequence of the annexation. Besides this, the East India Company had done much for the Native army, halting money and pensions for wounds had been given to the sepoys, and they were, in consequence, much attached to our rule. He very much doubted the propriety of introducing competition into the scientific branch of the service. He did not object to it in the civil service, but in the Horse Artillery and Engineers, they wanted something beyond mere bookworms. With regard to the employment of the Natives, he felt that that was merely a question of time, and that, as the right hon. Member for Edinburgh (Mr. Macaulay) had remarked, as the real Government of India ought to be in India, it should be at the discretion of the Governor General to promote Natives when he thought fit, unfettered by any special rule laid down in that House. He quite approved of the proposed change of government with reference to Bengal, and of the new system of furlough, which would prove a great boon to the army. With regard to the amalgation of the Sudder and Supreme Courts, most of the legal authorities advocated such a change, and believed the changes in India, as proposed by the Government, would be most beneficial. He begged to thank the House for the attention they had paid to the few remarks he had ventured to address to them; and again to repeat his conviction that under existing circumstances the double system of government should be continued—a system by which, to use the words of the noble Lord the Member for London, absolute despotism was tempered by the spirit of representative institutions.

SIR JAMES W. HOGG hoped, that after the speech of the hon. Member for Manchester, in which he had been so often personally alluded to, he might, even at that late hour, claim for a short time the kind indulgence of the House. The hon. Member had commenced more mildly and in somewhat a more piano tone than was usual with him. He stated that he should confine himself strictly to the provisions of the Bill, and would abstain from all extraneous matter; yet as he proceeded, he warmed with the subject, got into his usual acrimonious style, and assailed every part of the Government of India, and every individual connected with it, at home or abroad. The hon. Member, unhappily for himself, had again alluded to the proceedings of the Secret Committee. After the blunders which he had so lately made, and the manner in which he had confounded the proceedings of the Secret Committee with those of the General Court, he (Sir J. W. Hogg) confessed his astonishment that the hon. Member should have again ventured on that subject. He had read extracts from the evidence of Mr. Halliday, and had endeavoured to show that the Members of the Secret Committee were powerless instruments, and that men who possessed any spirit would not condescend to place their names to orders of the nature of which they were, perhaps, ignorant, or from which they might entirely dissent. Let the House see the strange inconsistency of the hon. Member. He had addressed himself to him (Sir J. W. Hogg) personally, and had said, "Is it for you to raise your voice against the President of the Board of Control? Is it for you to say, restore me the 15,000,000*l.* for the Affghan war? Why did you remain silent and not remonstrate against that war?" Why, the hon. Member had himself told the House that the Court of Directors did not know, and could not have known, anything about that war. The Directors must be either one thing or other. They must either be regarded as approving of the orders of the Secret Committee, and responsible for them, or as ignorant of them, and free from all responsibility. But that would not satisfy the hon. Member, who in the same breath declares their ignorance and asserts their responsibility. The hon. Member for the West Riding, adverting to the Secret Committee, had said, "Here are means whereby the President of the Board of Control may send orders to India, of which neither this House nor the Court of Directors may be cognisant." That was perfectly true. But could not the Colonial and the Foreign Secretary do precisely the same thing? And was it not essential to the public interest, that orders so sent, should not be known till after they had reached their destination? The hon. Member for Manchester adverted to Bombay and Broach, and again got on the old subject of cotton and roads. He had stated on the authority of Mr. Davies, that there were not more than twenty or thirty miles of road in Broach; and yet that same gentleman, while admitting that there are not more than twenty or thirty miles of metalled roads, states that throughout the whole district of Broach there are roads traversable during the whole year, excepting for three months during the rains. During these three months, while the rain was falling, the cotton was growing, and transport for it could not be required. Besides, he begged to tell the hon. Member, that cotton from Broach to Bombay was sent by sea, and not by roads; and it was stated at a recent meeting of the Cotton Committee at Bombay, that the freight of cotton from Broach to Bombay did not exceed the freight from Hull to London. He must ask the hon. Member for Manchester why on this subject he did not produce the best evidence within his power? He would tell the House what that evidence was, and leave it to the hon. Member to explain why it had not been produced. About three years ago, the Chamber of Commerce at Manchester, with reference to the present discussions, had sent a gentleman to India to collect information, and get up a case against the East India Company. He admitted that they had made a most judicious selection for that purpose; they selected a gentleman of high character, great attainments, and of great literary eminence — Mr. Mackay, whose work on America was well known. He (Sir J. W. Hogg) deeply regretted that Mr. Mackay died on his way home, about eight or ten months ago; but as he had completed his labours, his papers were forthcoming. Why, he would ask, had not these papers been given to the public? Why had the hon. Member made use of the name and authority of Mr. Mackay, both in that House and at Manchester, by reading from his papers such extracts as suited his purpose, instead of giving *in extenso* the whole of the papers to the public? He (Sir J. W. Hogg) could not tell what might be the contents or purport of these papers; but he had a shrewd suspicion that they would have seen the light long since, if they had substantiated the case of the hon. Member. He hoped that when they were produced, they would be accompanied by a declaration such as the hon. Member required from Her Majesty's Ministers when the Burmese papers were laid upon the table—a declaration that they were the whole and entire papers without suppression or mutilation. He also hoped that the hon. Member would produce the letters of Mr. Mackay, stating whether the authorities at Bombay had not afforded him every facility in making his inquiries, and access to all requisite sources of information. The hon. Member for Manchester had next alluded to the system of patronage, and in terms that were most offensive. He had been pleased to speak of Court of the Directors as luxuriating or revelling in their corruption, or some such choice and characteristic expression; and he thought that the hon. Member having made use of such expressions ought not to have left his place. He should liked to have asked the hon. Member how he dared to make use of such expressions towards the Court of Directors? For himself he repelled the imputation with the scorn and indignation which it deserved. For some time past, discussions had been pending in the House, and inquiries had been instituted in the Committee, and in no friendly spirit; but not one case had been adduced in which the patronage of the Directors had been bestowed in a manner discreditable to them, or any member of their body. There was no want of inclination to bring forward any such case if it existed; and he defied any hon. Member to bring forward any instance in which improper motives could be assigned for the bestowal of patronage. He knew that vague statements had been made with respect to the canvass for the Direction, and corrupt bargains: and he could only say, that if any proprietor had been base enough to make such a corrupt proposal, and if any candidate had been base enough to get votes on such terms, he hoped they would meet with the exposure and reprobation they deserved. Mis-statements from Members who had not held office were of less importance, but he had been surprised to hear the statement of his hon. Friend the Member for Inverness-shire, who had been Secretary to the Board of Control. He understood him to say, that, speaking from his own knowledge, there were persons who were in the habit of collecting fifty or sixty proxies, or any number that might be sufficient for the purchase of an appointment—

MR. BAILLIE: I said nothing of the kind. I said that bankers received the proxies of their customers; and a friend of mine told me that he had been solicited by a gentleman who had received fifty or sixty proxies to join his vote with theirs for the purpose of stipulating for patronage.

SIR JAMES W. HOGG had understood the hon. Member to say, that gentlemen were in the habit of leaving their proxies with their bankers. [Mr. BAILLIE: Yes.] Well, that was quite enough for him. The statement of the hon. Member, if it meant anything, must imply, that the bankers, by possessing the proxies, had the control of the votes. Such was not, and could not, be the case. Surely the hon. Member must know, that by statute the proxy must be signed within ten days of the election, and moreover that it must have inscribed on it the name of the person for whom the vote is to be given. The person, therefore, holding the proxy has no control whatever over the vote, and is a mere agent for the purpose of delivering it in. He would ask permission to expose and correct a few of the more prominent errors and mis-statements that were calculated to mislead those who had not examined the voluminous documents before the House. The hon. Member for Newcastle-on-Tyne stated that the Directors had not only sent in their accounts in a confused manner, but he was pleased to intimate that they had done so intentionally, in order that hon. Members might not be able to understand them. That was a grave imputation, and he would see how far it was well-founded. He admitted broadly, that the hon. Member did not understand the accounts. The hon. Member had called the attention of the House to the account containing the home establishment, and had alleged, that the columns were not added up in order to conceal the enormous expense of the home establishment, which he stated was 189,477*l*. Now, what were the facts, as apparent on the face of the very accounts to which the hon. Member had referred? The expense of the home establishment was 100,250*l*.; and the amount mentioned by the hon. Member included not only the home establishment, but the pensions of 1,179 persons who had been reduced or superannuated under the provisions of the 3 & 4 *Will.* IV. The hon. Member had also said that the statemade by him (Sir James W. Hogg) as to the increase of the land revenue, was incorrect. But what had the hon. Member done? He had deducted the gross amount of revenue derived from new territory from the net produce of the whole. He need hardly say, that by this process of deducting gross receipts from net receipts, millions might be reduced, not only to thousands, but to hundreds. He regretted that the lateness of the hour compelled him to pass over many other flagrant errors; but he must call attention to one blunder, a leviathan blunder, of the hon. Member for Newcastle-on-Tyne. That hon. Gentleman alleged, that the arrears of revenue during the last sixteen years amounted to 60,000,000*l.*, and, in order to give weight and dramatic effect to his statement, he exclaimed, "Just think of a Government which has an arrear of revenue equal to the whole revenue of Great Britain." He would amuse the House by telling them the foundation of that statement. An hon. Member had moved for an account of the arrears of revenue left outstanding in each year. This account was accordingly furnished; and, incredible as it may seem, the hon. Member concluded that, because the revenue of each year was not paid within the year, it was not paid at all; and he deliberately adds up these arrears for sixteen years, making the preposterous amount upon which he founded his preposterous statement. He (Sir J. W. Hogg) did not think that any Gentleman need be ashamed of not being familiar with Indian accounts, and he did not cast any imputation on the hon. Member for Newcastle-on-Tyne on that ground; but he did say, that when any hon. Member volunteered as a public prosecutor, he ought to make himself fully acquainted with the circumstances of the case: under such circumstances, ignorance was no palliation, it was rather an aggravation of the offence. He had been taunted with not having replied, when he last spoke, to the imputations cast upon the administration of justice in India. He had then spoken at such length that he did not think he need apologise for any omission; but he would now briefly advert to the subject, which was one of vast and paramount importance. He would not pretend to maintain that the administration of justice in India was perfect. On the contrary, he freely admitted, and deeply lamented, its many imperfections. He freely admitted, that among the many public servants engaged in the administration of justice in India, there were some perhaps incompetent, and many indifferently qualified for the performance of their duties. All he desired was, that the House should arrive at, and understand, the truth, and should not be deluded and carried away by statements made in this House and out of this House, founded upon a pamphlet written by Mr. Norton, a barrister at Madras, and to which he would call the attention of the House. That gentleman states as follows:—

> "I start with two simple propositions—first, that throughout the length and breadth of the whole of this Presidency, those who occupy the judicial bench are totally incompetent to the decent fulfilment of their duties; and, secondly, that so long as the present system continues, there is not only no hope of amelioration, but, on the contrary, things must go on ever from bad to worse, until in the lowest depth there is at least no lower bottom still."

He then professes to support these sweeping allegations by cases which he alleges that he has taken indifferently from published reports. He must say, that, after such a startling announcement, it was a real relief to his mind to find, as regarded the criminal trials, that there was not a case in which it was alleged that an innocent person had incurred the penalty of guilt. The imputation is quite the other way, and is comparatively easy to be borne. The complaint of the learned gentleman is that the sentences are too merciful. It was easy to explain why the sentences did not always seem to be adequate to the crime. In this country the power of mitigating a harsh sentence rested with the Secretary of State, who frequently exercised it, in communication with the Judge who presided at the trial. In India, that power rests by law with the Court itself. Reg. 1, of 1825 provides that, when the law may render the prisoner

> —"liable to more severe punishment than, under the evidence and all the circumstances of the case should appear to the Foujdarry Adawlut to be just and equitable, they are empowered to mitigate or remit the punishment, as may appear to them proper."

He must also observe that the reports of criminal cases, and the decision of the Sudder Adawlut were not like law reports in this country, which were mainly intended to lay down principles and precedents of the law, as administered in the superior courts. On the contrary, the object of the reports in India was to point out and correct errors of law, practice, or fact in the inferior courts. He must also particularly mention that nearly all the civil cases cited by Mr. Norton are what are termed "special appeals." In every suit above a limited amount the losing party was entitled to an appeal, *ex debito justitiæ*, to the next higher tribunal. The losing party in such an appeal may apply for a further appeal to the Sudder Adawlut, which is termed special, and cannot be granted unless where on the face of the proceedings there is some flagrant violation of law or practice. Of these applications for special appeals, about five-sixths are rejected, so that the remaining one-sixth which are granted must be the very worst cases of all that are alleged to have been ill decided. All the cases mentioned by Mr. Norton were special appeals, with the exception of nine. Suppose that from all the cases badly decided on the inferior cases at home, you were to select one-sixth being the very worst, and suppose that from these you were to make *excerpta*, you would then have such a fair and candid exposition of your judicial system as is afforded by the pamphlet of Mr. Norton of the administration of justice in India. He hoped the House would pardon him for entering into a dull detail of explanation which was essential to the due understanding of the nature of the cases, to some of which he trusted he would be permitted to advert. If he made a selection, it might be supposed that it was not impartial, and he had therefore gone carefully through the first ten of the civil cases, and the first four of the criminal cases, and was prepared to maintain and prove that Mr. Norton was not justified in the comments he had made. He held in his hand the reports from which the cases cited by Mr. Norton were taken, and they were at the service of any hon. Member of the legal profession that would do him the favour to peruse them, and state his opinion to the House. The first case in the pamphlet was when the plaintiff sued on a bond for 55,270*l.*, and having been nonsuited, was fined by the Judge in the same amount for bringing a false suit. The case was appealed to the Sudder Court, where the fine was remitted. It is paraded in italics that the plaintiff was fined for bringing his suit; but Mr. Norton, with all his profession of candour, does not apprise the reader that in India a Zillah Judge has by law the power to fine a plaintiff who brings a vexatious and groundless suit "in such amount as he may think proper upon a consideration of the nature of the case, and the situation and circumstances in life of the offender, and to commit him to close custody until he pays the fine." The Judge was of opinion that the plaintiff had been guilty of fraud and perjury, and ought to be punished. He (Sir J. W. Hogg) admitted that the amount of the fine was excessive and extravagant, and could not be justified; but the Judge seems to have thought that he was justified in fining the plaintiff to the same extent as he would have defrauded his neighbour. In the second case the alleged error is, that the Judge admitted in evidence the copy of a deed, and Mr. Norton supposes it would not be credited that any judge could receive such evidence. Now what would the House say when he told them that the document thus derided was a copy regularly attested by the collector, of a document recorded in his office. In the third case, it is alleged that no notice was taken of a plea by the defendants, that they had been in possession for forty years. He found, on referring to the report, that the possession was not questioned. The point at issue was, whether or not the possession was as a member of a joint and undivided Hindoo family. In the fourth case he saw nothing to notice except that the Sudder Ameer and Judge had taken different views of the evidence in a very complicated case, and that the Judge had used the informal expression of "affirming the appeal." He would pass over the fifth case, in which there was no prominent point to which he could briefly advert. He had read the report, and saw nothing in it discreditable to the intelligence of the Judge. The sixth case, however, was introduced by Mr. Norton with a special flourish of notes of admiration, and had gone the round of the public papers as peculiarly absurd. It was alleged that the plaintiff sued for money, and that the decision of the Judge was for oil. It appeared from the report that the money was advanced by the plaintiff to the defendant for the supply of oil, and that the defendant, when sued for the money, pleaded that he had always been ready to fulfil his contract, and supply the specified quantity of oil. Under these circumstances the Judge gave his decree for the oil; and provided the plea of the defendant was supported by sufficient evidence, which does not clearly appear from the report, he (Sir J. W. Hogg) thought the Judge in so deciding was perfectly right. He dwelt upon this case because it had attracted unusual attention, and was regarded by Mr. Norton as one of the most absurd in his selection. He confessed he rejoiced that no more unfavourable specimen of the administration of justice in India could be adduced. In the seventh case Mr. Norton alleges that the Judge exhibited his ignorance of the law that a minor cannot bind himself. The report shows exactly the reverse. The Judge did know the law, but was of opinion that the minor, after attaining his full age, had recognised the debt. In the eighth case Mr. Norton alleges that the defendants were held liable in their representative capacity, without any evidence that they had possessed themselves of assets. A reference to the report shows that the real question was, whether a Hindoo widow was entitled to maintenance from the relatives of her deceased husband if she lived separate from them; and he must add that he considered Mr. Norton's note of the case as most unfair, and wholly unsupported by the report. He would now ask leave shortly to advert to two or three of the criminal cases, taking them in order, as he had done the civil cases. The first case was that of four prisoners tried for stabbing a man, which caused death. One was convicted, and sentenced by the Judge to transportation for life, and the Judge, when passing that sentence, adverted to the darkness of the night, and "the fact that the deceased might possibly have survived had his wound been dressed without loss of time," as reasons for not recommending capital punishment; and it appeared that neither the dresser nor the surgeon had attempted to replace the intestines. Mr. Norton's comment on this explanation was, "The train of reasoning is scarcely conceivable; but most assuredly such a mind is not fit to be trusted with the adjudication in cases affecting life and death." He (Sir J. W. Hogg) was of opinion that there was more of reason and justice, and of a judicial mind, in the explanation than in the comment; and he believed that under similar circumstances a similar mitigation would have been made at home. The next case is that of three prisoners convicted of having beaten and kicked the deceased so as to cause her death. The criminal Judge, when reporting the case to the Foujdarry Adawlut, said, "As water was thrown on the deceased in order to revive her, it does not appear they intended to kill her; the offence is, therefore, in my opinion, culpable homicide, and not murder." The prisoners were sentenced to fourteen years' imprisonment with hard labour in irons. In India there was a regulation which provided, that "the intentions of the criminal, either evidently or fairly inferible from the nature and circumstances of the case, shall constitute the rule for determining the punishment;" and under this rule the Judge had decided. The sentence, however, of imprisonment for fourteen years with hard labour in irons, did not seem to satisfy Mr. Norton's sense of public justice, and he appends significant notes of admiration to the observations of the Judge, and the decision itself. In the next case, the third in the pamphlet, the sole question was, whether the injury was inflicted in a sudden fit of resentment, or whether sufficient time had elapsed to afford the prisoner time to cool. The next and last case to which he would refer was, when the prisoner was convicted by the Sessions Judge of having killed his concubine by one blow with a heavy piece of wood, the Foujdarry Adawlut mitigated the sentence of death to transportation for life, on the ground that the crime had been committed on a sudden impulse. The reasoning which led to that merciful result was held up to ridicule by Mr. Norton in these terms: "Mr. Morehead remarks there is no proof of premeditation of malice. The remarks of the senior Judge are peculiarly *naïve*, and, were the subject less serious, might excite a smile." If such comments had been made, or such a spirit evinced by an Indian Judge, he should indeed have felt ashamed of the administration of justice in India. He would make no further comment on Mr. Norton or his book, and would only repeat, that the reports from which Mr. Norton had extracted his cases were at the service of any hon. Member who required them. He would now apply himself to the Amendment of the noble Lord the hon. Member for King's Lynn. The noble Lord had adverted to the proceedings of 1813 and 1830, and to the period of the Session when the measure was then introduced, and the consideration that had been previously given to the subject. He could assure the noble Lord, that if he would renew his inquiries to-morrow, and look to the number of sittings of the Committee, and to the number of witnesses examined on the occasions to which he had referred, he would find that, in the present case, the Bill had not only been introduced at an earlier period of the Session, but that the subject had never engaged more attention than at present. In 1813 the number of witnesses examined before the Lords and Commons was fifty, of whom thirty were officials. The China trade then formed the chief subject of inquiry, but official witnesses only were examined upon the question of government. In 1830–31 the Commons Committee confined their inquiries to the subject of trade. In 1832, upon the different departments of Government, eighty-eight witnesses were examined, of whom sixty-two were, or had been, in the service; sixteen were in the home service, and ten consisted of merchants and others. Before the Lords in 1830, there were fifty-three witnesses examined, of whom thirty were official. The inquiry related to trade as well as government;

but official witneses only were examined as to the government. Upon the present occasion forty-six witnesses had been examined before the Lords Committee, and they had had forty-six sittings. Before the Commons Committee fifty-eight witnesses had been examined, and the Committee had had forty-five sittings. Both Committees had reported favourably as to continuing the Government of India in the East India Company as trustees of the Crown. What more could the House require before legislating? It was true that the hon. Member for the West Riding had designated the proceedings of the Committee as scandalous and disgraceful, or some such strong expression. It was true that the hon. Member opposed the report of the Committee; but when he ventured to use such strong language towards the proceedings of the Committee, the House would hear with surprise that the division of the Committee on the Report was 19 to 2. The hon. Member for Montrose, who voted with the hon. Member for the West Riding, distinctly stated that he agreed in the terms of the Report, but was of opinion that it was objectionable to make any report at all. So that substantially the proceedings commented on with such severity by the hon. Member, had the approval of the whole Committee, with the exception of the hon. Member himself. The noble Lord the Member for King's Lynn had argued at some length, in order to show that it was not the intention of the late Government to have legislated this Session. He said that Lord Derby had stated in another place that the Government would be guided by the Report of the Committee; and he also referred to the statement made in that House by his right hon. Friend the Member for Stamford when moving for the Committee. Now, why all this argument and deduction? Whether the late Government did, or did not, intend to legislate that Session, was a matter of fact and not of inference. How was that matter of fact to be determined? Why, by the statement of the Minister who presided over Indian affairs in that Government; and what did the right hon. Gentleman the Member for Stamford say? When the subject was discussed in the Committee, the right hon. Gentleman stated in the presence of the noble Lord, that it was his intention to have legislated this Session, and that such was the intention of the late Government. He admitted that the noble Lord and his right hon. Friend the Member for Buckinghamshire opposed present legislation in the Committee; but he concluded that the statement of the right hon. Gentleman, then President of the Board of Control, was conclusive on the subject. The noble Lord, when contending that there need be no apprehension as to the consequences of delay, said that there had been no disturbances in India. He had heard that statement with great pleasure, and at the time intimated his assent, which drew from the noble Lord the remark that there was a vast army in India. It was true there was a vast army in India; but when speaking of the danger of agitation, let it be remembered that that army was a native army, and that there may be agitation injurious to the public peace and tranquillity without amounting to open insurrection. The noble Lord had said that no doubt the Directors of the East India Company were anxious for immediate legislation, and would support the Bill. He (Sir J. W. Hogg) did not think that the Directors had any reason to be enamoured of the present Bill. The remark of the noble Lord, however, seemed to indicate what, at the moment, was passing in his mind. It was as much as to say to the Directors, "If you don't get this Bill from the present Government, you will get something much worse from us." He had abstained from discussing the alterations made by the Bill in the Home Government of India, but would express his approbation of the changes made in the local Government. He agreed with the right hon. Gentleman the Member for Edinburgh, that the good government of India always had mainly rested, and must continue to rest, with the local Government. He did not approve of the alterations which had been made in the Home Government, and had not heard any satisfactory reasons assigned for making them. That, however, did not affect the main principle of the Bill, which was the continuance of the East India Company as the governing body, intervening between the Crown and India. He believed that to be essential to protect India from the blighting influence of party feeling and party conflicts. He admitted that the great struggle in this debate had been between the principle which was popularly called double government, and the direct transfer of India to a Minister of the Crown. He hoped that this would be clearly and distinctly understood, and that every hon. Member would fully understand, that by voting against the second reading of the Bill, he would declare his opinion to be in favour of the transfer of India to the direct government of the Crown, and for the extinction of the East India Company, or any other intervening authority. That was the great principle involved in the Bill. Everything else was either matter of detail or matter personal to himself, and the body with which he was associated. He would not then go into such matters. There would be ample opportunity for discussing them in Committee. Here he took his stand, upon what he regarded as the great principle of the Bill. He did believe in his conscience that the principle of the intervention of some body between the Crown and India was necessary for the advancement and happiness of the people of India, and was necessary to retain in security to the British Crown the greatest, the richest, and the mightiest of its foreign possessions.

Debate *further adjourned* till *Thursday.*

CUSTOMS, ETC., ACTS.

Order for Committee read; House in Committee.

Sir ROBERT H. INGLIS said, he must complain that the hon. Gentleman the Secretary to the Treasury, after authorising him to state that there would be a separate Bill for the Isle of Man, had combined the new regulations respecting that island with the general Bill.

Mr. J. WILSON said, it had been found, on going into the matter, that the Acts of the Isle of Man were so simple and so short that they would only occupy four clauses in the Customs Act; and the convenience of all parties, it was found, would be best consulted by putting them into the General Consolidated Act. A letter had been written three weeks ago, stating this determination, and he believed it had met with the approbation of the people of that island. With regard to the Bill generally, the greatest possible care had been taken in framing it to simplify as much as possible the various laws which regulated the Customs, and to render intelligible to the community every technical phrase and term. The Bill was necessarily one of considerable length; but, compared with the length of the Acts which it consolidated, it occupied not more than one-fourth of the space which the present Acts occupied. The Bill would be printed and in the hands of Members on Wednesday, and it would be before the country for three weeks, in order to give an opportunity for the examination of its details.

Sir JOSHUA WALMSLEY said, he could deny that the Bill was satisfactory to the inhabitants of the Isle of Man, and he must protest against the statement of the hon. Gentleman to that effect.

Mr. EWART said, from communications with which he had been intrusted, he also believed the Bill was viewed with dissatisfaction in the island, and he should take the first opportunity of laying the statements on the subject in his possession before the House.

Resolved—

> "That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend and consolidate the Laws relating to the Customs."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Mr. Wilson.

House resumed.

WESTMINSTER-BRIDGE BILL.

Order for Committee read.

Mr. ALCOCK requested that the measure might be postponed, in deference to the expressed wish of the City of London, as the proposed alterations would interfere with the navigation of the river.

Sir WILLIAM MOLESWORTH said, that the Bill had been carefully considered by the Select Committee. The navigation of the river would not be interfered with by the proposed bridge, and the traffic over the present bridge was so great that no further delay ought to take place in the construction of a more convenient structure. The number of vehicles passing over the present bridge upon an average of four days, from 8 a.m. to 8 p.m., was 8,441 vehicles per day, drawn by 9,600 horses. The traffic under the bridge was much less considerable, consisting, on an average of four days, of 468 vessels per day, 144 of which were steamboats, and 52 were sailing barges and billyboys. The only vessels that could possibly be affected by the diminished elevation of the proposed bridge were the straw barges, of which there was but one a day. These barges would require either to have the means of lowering their masts, or would have to wait a short period for the falling of the tide. The gradients of the new bridge would exhibit a great improvement as compared with those of the present bridge, and would greatly diminish the load at present borne by the horses in crossing the bridge.

House in Committee; the several clauses were *agreed to* without discussion.

House resumed.

THE MALICIOUS INJURIES (IRELAND) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. J. D. FITZGERALD said, that if the question were pressed to a decision that night, he would move that the Bill be read a third time that day six months. It was only last Friday that he became aware that a Bill of this nature was before the House, and he objected to the principle of it, involving, as it appeared to him, retrospective legislation. It was his opinion that the Bill had been introduced at the suggestion of the hon. Member for Limerick (Mr. Russell), because some property had been destroyed in the city which he represented at the last election.

MR. KEOGH said, he must defend the Bill as a measure that was intended to prevent the destruction of property. As the law previously stood, compensation was only given to parties when their property was totally demolished, and by this measure it was proposed that compensation should also be awarded where the property of the person was only partially destroyed. The hon. and learned Gentleman (Mr. J. D. Fitzgerald) was mistaken if he thought that the Bill was introduced at the instance of the hon. Member for Limerick, the fact being that Judge Perrin had advised the introduction of it.

MR. NAPIER said, he fully concurred in the propriety of the Bill. He had been requested by the Irish Judges, when in office, to bring in such a measure.

MR. LUCAS said, there was no such law in England as that proposed by the Bill. It contemplated giving compensation for the destruction of any article whatever, wholly irrespective of house property.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."—Debate arising; Motion made, and Question proposed, "That the Debate be now adjourned."

Motion, by leave, *withdrawn.*

Question put: The House *divided*:—Ayes 71; Noes 10: Majority 61.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, June 28, 1853.

MINUTES.] PUBLIC BILLS. — 1ª Malicious Injuries (Ireland).

2ª Juvenile Mendicancy (No. 2); Church Building Acts Amendment.

ROYAL ASSENT.—Income Tax; Bail in Error; Hackney Carriages (Metropolis).

CASE OF MR. JAMES BIRCH.

LORD CAMPBELL said, that he had a petition which he had had some doubts about presenting; but on consultation with the Lord Chancellor, his noble and learned Friend had advised him that it was his duty to present it, as their Lordships' House ought to be open to the complaints of all persons. It was the petition of James Birch, of the City of Dublin, complaining of an abuse in the administration of justice, and praying against a recurrence of the same. The petition was, in fact, a complaint against an Irish Judge—Chief Justice Lefroy—a very learned and very honourable man. He (Lord Campbell) had at a former period of his life been opposed to him in politics; but he had always respected him, and had every reason to believe that he merited the respect of mankind. The petitioner, James Birch, said, that having been libelled by a great number of different persons, he brought actions against them; that the defendants aggravated the injury by justifying the libels, so that there was necessarily a record of great magnitude and complexity; that the cause stood for trial at the last assizes for the county of Kildare; and that then the Judge refused to try it, and struck it out of the list, on the ground that he was not furnished with a sufficient abstract of the issues joined upon the record, which it appeared was in Ireland usually furnished to the Judge by the plaintiff in any action at *Nisi Prius.* The Chief Justice, on looking at the abstract supplied to him, said it did not put him in the slightest degree in the possession of the facts, and ordered the cause to be struck out of the record. Mr. Birch complained of this, and stated that the Court of Exchequer in Ireland had, after a discussion which lasted two days, held that the Chief Justice was not justified in striking the cause out of the list; and he set forth that although this decision had relieved him from the payment of the costs of the other party, still he had had to pay his own; and he desired that some measure might be taken to prevent the recurrence of what he considered to be the grievance which he had suffered.

He (Lord Campbell) having informed Chief Justice Lefroy that he was about to present this petition, had received from that learned person a letter, which it was only just to him to read. He said—

> "By the rules and practice of our courts the plaintiff is bound to furnish to the Judge at Nisi Prius a full abstract of the pleadings and the issues joined. Mr. Birch brought an action for libel, in which the pleadings, including several special pleas of justification, occupied—*horresco referens*—sixty skins of parchment, closely written, amounting to over 600 office-copy sheets. The abstract furnished, the total insufficiency of which was admitted by the plaintiff's counsel, consisted simply of a statement of the number of counts in the declaration, and the number of the pleas, without any information as to the nature of the counts or the pleas, or of the issues joined, leaving the Judge as ignorant of the cause he had to try as your Lordship is at this moment. When the record was called on—I mean the sort of abstract which had been furnished—I ordered it to be struck out; and this, I suppose, is the grievance complained of."

If there were, as no doubt there was, such a rule in the courts of Ireland, it was quite clear there was an evasion of it in this case; for the petitioner had not furnished the Judge with the necessary information to enable him to try the cause. It seemed to him that Mr. Birch was mistaken in supposing that he had any ground of complaint, and still more so in supposing that he had any ground of complaint to that House. There did not seem to be the least occasion for any legislation on the subject. He (Lord Campbell) had done his duty in laying this petition on the table of the House for the inspection of their Lordships; and he had no doubt that, notwithstanding this complaint, Chief Justice Lefroy would still retain the high reputation which he had hitherto enjoyed.

Lord ST. LEONARDS observed, that what the noble and learned Lord had stated entirely absolved the Lord Chief Justice of Ireland from the slightest imputation. If he had fallen into an error as a Judge, that error would have been redressed by the proper court, and it was not for any one to come to this House on every occasion to prefer such charges against a Judge in the discharge of his duty. No one could say one word to impeach the character of the very learned person against whom the petition was presented; a man more capable of dealing with the business of his court, one more painstaking, with a higher character, or with greater learning, did not exist, than Chief Justice Lefroy; and it would have been with the greatest pain that he would hear a word uttered against him. He had no objection to the petition being laid on the table, as it would not be acted upon.

Petition ordered to lie on the table.

JUVENILE MENDICANCY (No. 2) BILL.

The Earl of SHAFTESBURY moved the Second Reading of the above Bill, and proposed to take the discussion when they got into Committee. He was anxious, indeed, to go into Committee *pro formâ*, in order to facilitate the progress of the measure.

Lord MONTEAGLE said, there could be no objection to giving opportunity for putting the Bill into the best possible shape. He thought, as it stood at present, it would be impossible to carry out the Bill, as it would interfere with the provisions of the poor-law in regard to the separation of children from their parents.

Lord CAMPBELL said, that he believed none of his noble Friend's (Earl of Shaftesbury's) labours would redound more to his credit than this. Juvenile mendicancy inevitably led in one sex to prostitution, and in the other to theft. He was shocked to see children wandering about the streets, pretending to ask for halfpence, but really wanting to pick pockets; and if the noble Earl would add a clause forbidding any boy or girl under a certain age to sweep a street-crossing, he would confer a great benefit on the community. It was quite distressing to see little girls of eleven or twelve years of age sweeping crossings. Their fate, if not removed, was inevitable; and therefore the sooner they were placed in some refuge the better. It had been objected that this Bill would separate children from their parents; but he thought it would be a great advantage to remove them from contact with those who had sent them into the streets.

The Earl of WICKLOW did not approve of any part of this Bill, except the first clause. He thought it would be most objectionable to allow any parent to get rid of his child merely by sending him or her into the streets, from which it was to be taken by a police constable and placed in a workhouse.

The Earl of SHAFTESBURY thought the noble Earl had read no part of the Bill but the first clause. The principle laid down was this, that children should be taken from the care of those who sent them out into the streets for purposes of mendicancy. It was known that these persons sent out their children at an early hour, from 3 to 4 and 5 o'clock in the morning, and that they did not return till late at night, and sometimes not at all; and unless they had a certain sum when they came back, they were exposed to the most cruel tortures, which, in the end, drove them to profligacy. The Bill would hold the persons who acted in this way responsible for the maintenance of their children in their persons and their purses.

Bill read 2^a, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, June 28, 1853.

MINUTES.] NEW MEMBER SWORN.—For Durham, John Robert Mowbray, Esq.

IRISH BOARD OF EDUCATION.

MR. WALPOLE said, he wished to put a question to the right hon. Gentleman the Chief Secretary for Ireland with reference to the proceedings of the National Board of Education in Ireland; and in order that the question might be fully understood, he begged to call attention to the eighth rule established by the Commissioners :—

> "The Commissioners do not insist on the *Scripture Lessons, Lessons on the Truth of Christianity,* or book of *Sacred Poetry,* being read in any of the National schools ; nor do they allow them to be read during the time of secular or literary instruction in any school attended by children whose parents or guardians object to their being so read. In such case the Commissioners prohibit the use of them, except at the times of religious instruction, when the persons giving it may use these books or not as they think proper."

Hitherto, the construction put upon the rule was this—that the parent of any child might object to his being taught a particular book which was sanctioned by the Commissioners of National Education; but it was not the practice that the objection of the parent of a single child should amount to an objection to that book being taught to other children in the schools. It was now reported, and apparently on authority, that the Commissioners of National Education in Ireland had come to two resolutions, whether formally or not he could not say ; the one was that Archbishop Whately's *Evidences of Christianity* should be expunged from the list of books taught in the National Schools in Ireland; and the other was, that if any child's parent objected to the use of any single book, that objection was a sufficient reason for excluding that book, not from that child only, but from the whole school. Without wishing to give any opinion on the subject, he begged to ask the right hon. Gentleman the Chief Secretary for Ireland whether the Commissioners of National Education in Ireland have rejected or expunged from the lists of books to be used in the national schools, the *Evidences of Christianity,* by the Archbishop of Dublin; whether they have determined that if any child's parent should object to the use of any single book, it is a sufficient reason for excluding such book, not from that child only, but from the whole school ?

SIR JOHN YOUNG said, he was obliged to confess that it was extremely difficult to give anything like an explicit answer to the questions just put to him by the right hon. Gentleman, at that moment. He believed, however, that the practice obtaining had been pretty much in accordance with what the right hon. Gentleman had stated; and he thought that there would be a general uniformity of opinion as to the importance of the subject brought under the notice of the House. No doubt it would be very unfortunate indeed if it were found that any portion of the Commissioners' arrangements, which had been organised with a view to the promotion of a united system of education, had been so disturbed as to impede that unity of action which was so desirable. The House must, however, recollect the basis upon which this system was built. When the Earl of Derby, then Lord Stanley, established it, it was intended that it should afford the means of a combined literary, but separate religious, instruction for the people of Ireland. So early as the year 1842, the resolution to which the right hon. Gentleman had adverted was established. In answer, however, to the question of the right hon. Gentleman, he was enabled to inform the House, that though no formal decision had been as yet come to by the Commissioners, means had been taken to ascertain the deliberate opinion of the various members of the Board upon the point at issue. The rule, then, upon which the Commissioners acted was this: they did not insist upon the Scriptural lessons being read in any National school, nor did they allow them to be read during the hours of secular instruction in any school where the parents or guardians objected to their being read; and in such cases the Commissioners prohibited their use, except at the times of religious instruction, when persons giving the instruction might use them or not, as they thought proper. He (Sir J. Young) would not offer any opinion upon the merits of that rule, though of course every hon. Gentleman was allowed to draw his own conclusions from it. Nor would he say whether, if the parents or guardians of a single child objected to any particular book, that according to the proper interpretation of the rule, the book in question ought to be wholly excluded from the school. At any rate the rule was not a new one; but it was proposed to alter it, and that the child should not have the power of relegating such book to the hours of separate religious instruction. A resolution to that effect was moved, and he (Sir J. Young) believed it would have been assented to by a majority of the Board, provided only the lessons taken from the *Evidences of Christianity* were omitted from the list. Now, with reference to the first question of the right hon. Gentleman, as to whether the *Evidences of Christianity*, by Archbishop Whately, had been expunged, he might say that the Roman Catholics, and many others, had taken objection to that work on the ground of its character being polemical; and on that account he hoped that those hon. Gentlemen who were prepared to give an opinion upon this question would not come forward without having first read the book. On the work he would not pronounce any opinion; but though it was a very short one, barely containing 140 small pages, he did not believe that any one could read it without pleasure, or without being struck at the admirable condensation of Scriptural knowledge and logical acumen which it presented. On the main question, however, he was not prepared to give any decided opinion until the Commissioners had placed before the public their decision. Still it should not be supposed that any very great alteration would be made, even if the book were withdrawn from the Commissioners' list. For he saw, from a report which had been published of the various works supplied by the Board's contractor, an estimate of the number of copies required for a single year of each book. Thus he found, that of the *First Book of Lessons*, 260,000 were required; of the next 152,000; of the third, 76,000; of the fourth, 41,500, and so on; while, when he came to this book, *Easy Lessons upon Christianity*, he saw that only 1,200 numbers were called for, that was, about one of those books to every four schools.

MR. WALPOLE said, the first question had been answered in this way—though not formally—the *Evidences of Christianity* are expunged. He wished to have a distinct answer to the second question—if the parent of a child object to a single book being used in a National school, is it a sufficient reason to exclude that book, not merely from the instruction of that child, but from general use in the schools?

SIR JOHN YOUNG said, the practice would appear to have been, if an objection were made on the part of the parent of a single child, the reading of the book objected to was relegated to the hours of separate religious instruction in the way he had described.

UNIVERSITIES (SCOTLAND) BILL.

The LORD ADVOCATE said, that before proposing that the Order of the Day for the Second Reading of this Bill should be postponed, he begged to make a statement in reference to an alteration which he proposed to make in the Bill. He was in great hopes that the question had reached the point at which they might hope for a settlement that would be satisfactory to all parties. Communications had been made to him on the part of gentlemen who had hitherto opposed the views he had taken on the subject of the University tests, for the purpose of seeing whether, in the present state of public feeling, and after the amount of discussion the question had undergone, they might not find some middle arrangement in which they could agree. The present test excluded every person who did not profess the faith that had been established in Scotland, and conform to the worship of the Established Church in that country; and the Bill which he introduced, while it did away with that test, provided a declaration by which every professor on his admission was to declare that he would not exercise the functions of his office to subvert or prejudice the Church of Scotland as by law established. Two views were taken of this proposition. On the one hand, some hon. friends of his thought that such a declaration was almost as bad as a test; but he owned that he had no sympathy for that opinion, because he could not see it was imposing on any party anything of which he could complain to require of him not to do that which, as an honest man, he was bound not to do. It was suggested, on the other hand, to propose a test that would exclude parties professing certain religious opinions; to that proposition, however, he could not agree. As regarded the declaration made by the professor, he had always held it open to insert in that declaration anything which only implied a course of action right in itself, and did not imply a statement of belief. Accordingly, he now proposed, and, he believed, it would be agreeable to a very large portion of the representatives of Scotland, to vary the declaration in the Bill in these terms:—

> "I, A. B. do solemnly and sincerely declare, that as professor of ——, and in discharge of the duties of the said office, I will never endeavour, directly or indirectly, to teach or inculcate any opinions opposed to the divine authority of the Holy Scriptures or the Westminster *Confession of Faith*, ratified by law in the year 1690, and that I will never exercise the functions of the said office to subvert or prejudice the Church of Scotland as by law established, or the doctrines or privileges thereof."

He also proposed to introduce into the Bill a provision, under which, if a professor should wilfully violate that declaration, a complaint might be made to the Lord Advocate, and, upon a representation being made by the Lord Advocate to Her Majesty in Council, a Commission might be issued to inquire into the complaint, and, if it were well founded, such measures should be taken for the dismissal of the professor as might be deemed necessary. He was anxious to make this statement, not for the purpose of raising a discussion at present, but in order, if the Bill should not come on in the course of the day, the House and the public should be aware of the course he intended to follow.

SIR ROBERT H. INGLIS: Do I understand that this question is considered to be decided by the speech of my right hon. and learned Friend?

The LORD ADVOCATE: If the other Order of the Day is finished in time, I will move the second reading to-day.

SHERIFF COURTS (SCOTLAND) BILL.

Order for Committee read.

House in Committee.

Clause 28 (and with respect to small debts cases, not exceeding twelve pounds).

MR. CRAUFURD said, he wished to move an Amendment extending the jurisdiction of the Court from 12*l.* to 25*l.*; and as he had understood the chief objection against the extension to be, that it was considered hard to compel a man to go into Court to dispute so large a sum without allowing him any legal advice, he would also, if his Amendment was agreed to, move to add, at the end of the clause the words—

> "Provided always that the parties, or any of them, shall be entitled to appear and plead by a procurator of court; but no such procurator shall be entitled to have or recover any sum of money for so appearing and pleading for any party unless the debt or damage claimed shall be more than 8*l.* 6*s.* 8*d.*

Amendment proposed, to leave out the word "twelve," in order to insert the words "twenty-five."

The LORD ADVOCATE said, he considered that the principles of this Bill had already been sufficiently discussed, and he must take the liberty of saying that this was the first time within the memory of the present Parliament that a Bill relating to Scotland, after having passed through the ordeal of a Select Committee, in which the clauses were gone over and agreed to without division, had again to be discussed clause by clause in a Committee of the whole House. The House would be aware that a Select Committee, having the advantage of the best assistance which could be procured, would be more competent to consider the clauses of this Bill, than a Committee of the whole House. The hon. and learned Gentleman seemed to think that the Committee were not in a position to judge of this matter—[Mr. CRAUFURD: Hear, hear!]—but, he would say it with great respect, he thought that was because he had himself not served on it. The hon. and learned Gentleman seemed to think that everything belonging to the County Court system was good. Now, he must say that he considered the system as yet to be in a very crude state; but the present measure was not a measure for extending the County Court system to Scotland; it was a measure for the improvement of the Sheriff Courts. The hon. and learned Gentleman said that the Judge must decide the case upon the spot, whether he had materials for his decision or not; while his (the Lord Advocate's) Bill declared, that if the Judge wanted further materials to enable him to come to a decision, he was to have the opportunity of procuring them. He considered this one of the most essential parts of the Bill. If the Motion of the hon. and learned Gentleman were carried, it would be useless for him (the Lord Advocate) to attempt any longer to reform the Sheriff Courts in Scotland, and it would be almost unnecessary for him to proceed further with the Bill, which he believed, as it stood, would be a great boon to the people of Scotland.

MR. CHARTERIS said, that in accordance with the profession he had made upon the hustings, he was an earnest advocate of law reform, and it was as an earnest advocate of law reform that he supported the Bill of his right hon. and learned Friend (the Lord Advocate). He believed the reform proposed by the hon. and learned Gentleman (Mr. Craufurd) to be inexpedient and unsafe, and he should therefore give his support to the clause as it stood in the Bill.

Mr. HUME said, it was unfortunate for the people of Scotland to have a Lord Advocate whose views on law reform seemed to be so limited as those of the right hon. and learned Gentleman. On the Committee there were eleven hon. Members against four—eleven pledged to refuse discussion on the point upon which the people of Scotland looked with more interest than upon any other—and that was, whether the sinecure sheriffs should continue or not. Some of his hon. Friends had declined to serve in consequence of the constitution of the Committee; but he had attended it with the view of effecting what improvements he could. He had moved in the Committee the following Resolution:—

> "That, inasmuch as no reform of the Sheriff Courts can be satisfactory to the people of Scotland which does not abolish the office of Sheriff Depute, and so do away with the system of double sheriff, it is the opinion of this Committee that application should be made to the House for leave to take evidence, and to send for persons, papers, and records with reference to that question."

The division upon this was three to five—two voting with him in favour of the Resolution, and five against it. There were four other divisions in the Committee on different points, all showing the *animus* of the Committee, which was, therefore, far from having been unanimous. Parliament had abolished sinecures of all kinds, except the office of sheriff-depute in Scotland, and that ought in its turn, assuredly ought, to be abolished. He was certain that a measure might be introduced on this subject much better than that of the right hon. and learned Lord Advocate. He would not attempt to deny that, to a certain extent, it did effect an improvement, but not the improvement they ought to have had; and persons who were capable of giving information on this subject rather wished to take evidence, and not to begin to legislate this year. This Bill did not, he thought, do the Lord Advocate any credit as a law reformer, and he regretted the right hon. and learned Gentleman should have proposed a measure which the mass of the people in Scotland disapproved of.

Mr. WALPOLE said, he could not think that the hon. Gentleman (Mr. Hume) had really addressed himself to the only point now under discussion, which was whether the words "twelve pounds" should be struck out of the Bill, and the words "twenty-five pounds" inserted. That involved the question of the extension of the summary jurisdiction in Scotland. Now, having attended the meetings of the Committee, and having taken some interest in this subject, he thought that, upon the whole, this Bill was really a great improvement in the law of Scotland, and he was quite prepared to support the measure as it stood. Though there were a variety of Amendments, of which notice had been given in the Votes of the day, not one referred to the points upon which the Committee decided in the four or five divisions which took place; and he thought he might assume from this that there was a general acquiescence in the opinions of the Committee on the points which had been mooted during their meetings. The Committee went through clause after clause, entertaining the objections made by the hon. and learned Gentleman (Mr. Craufurd), and they had taken great pains to make the Bill a good one. Hon. Members would bear in mind that the jurisdiction exercised under this Bill divided itself into three heads—cases in which the amount in dispute was above 25*l.*; cases in which it was between 25*l.* and 12*l.*; and cases in which it was between 1*l.* and 12*l.* The principle of the Bill with reference to this was, that where the sum exceeded 25*l.*, there might be an appeal to the Court of Session; where it was between 12*l.* and 25*l.*, it was to be argued by advocates before the Sheriff Substitute, and might be taken by petition to the Sheriff Principal; where it was under 12*l.* there were to be no procurators, as they were called in Scotland, to appear before the Sheriff Substitute. In a system characterised by the most perfect administration of justice, there ought, as a general principle, to be always an appeal from the Judge in the first instance. The limit to the adoption of that principle in the Bill was this—that where the amount involved was so small as not to suffice to pay the costs attending the first hearing and the appeal, there you must dispense with that appeal. This sum was fixed in the Bill at 12*l.*; and he believed that this was, upon the whole, as good a limit as could be fixed upon. As a matter of experience, it was generally conceded that this principle had worked well in Scotland, and, as in cases where the amount was under 8*l.* 6*s.* 8*d.*, the principle had been successfully tried, he thought it might with safety and prudence be extended to cases involving 12*l.*; but it ought not to be extended beyond that sum. The effect of the hon. and learned Gentleman's (Mr. Craufurd's) Amendment was, that the Sheriff Substitute was to exercise jurisdiction in a summary manner in cases up to 25*l.*, and to exclude advocates, except in special cases, from arguing the question before him. The want of appeal was one great fault in the County Court system in this country, and he should be sorry to see the power of appeal restricted in Scotland. Seeing that the Small Debt Court jurisdiction had worked well there—seeing that this Bill extended the principle of summary jurisdiction to a point to which they could prudently and safely carry it, he hoped the people of Scotland would feel that they had got in this measure a cheap and speedy jurisdiction, which would not be much more expensive than in the County Courts in England. He considered that the way in which the Lord Advocate had settled the Bill was one calculated to administer justice as cheaply and expeditiously as it could be administered consistently with the maintenance of a uniform system of laws throughout the country, which, to his mind, was even of more value than a cheap and speedy administration of justice.

MR. STUART WORTLEY said, he was one of those who had voted for the hearing of further evidence before the Committee, and he regretted that that course had not been taken, believing that it would have been more satisfactory to the people of Scotland. As, however, the Committee had reported, he considered himself bound by the labours of that Committee, and he felt great difficulty in making any attempt to disturb the arrangement to which they had come. The effect of the Amendment moved by the hon. and learned Gentleman (Mr. Craufurd) was, that in place of extending the summary jurisdiction to 12*l.*, he would extend it to 25*l.* He confessed that he should hesitate to adopt this plan, because he had heard from those well acquainted with the proceedings of this Court, that, in its present condition, the summary jurisdiction of the Court was anything but satisfactory. He quite agreed in what had fallen from the right hon. Gentleman opposite (Mr. Walpole) as to the want of appeal in the County Courts in this country; and, as the effect of this Amendment would be to extend the system of summary jurisdiction without appeal, he felt that he could not consistently support the proposition of his hon. and learned Friend.

MR. JOHN MACGREGOR trusted that the hon. and learned Gentleman (Mr. Craufurd) would not divide upon the Amendment he had submitted to the Committee. He agreed with the right hon. Gentleman (Mr. Walpole), and the right hon. and learned Gentleman who had last spoken, with respect to the want of appeals as affecting the County Courts, which was a defect in the present system. Taking the Bill as it stood, and believing it to be an immense improvement upon the present state of the law, he trusted the Committee would pass the clause without going to a division. He must protest, however, against the limitation in the amount of salaries paid to the Sheriffs, which he considered was not worthy of this country, or of the duties required of men who must have received the best legal education in order to make them capable of filling the situations to which they were appointed.

MR. COWAN said, it was his intention to vote against the Amendment of the hon. and learned Gentleman; and he thought the hon. Gentleman the Member for Montrose (Mr. Hume) had made an unmerited attack upon his right hon. and learned Friend the Lord Advocate, whom he believed to be most sincere in his wish to introduce a measure of ample reform.

MR. ALEXANDER HASTIE begged to express the great obligations under which the Scotch Members lay to the right hon. Member (Mr. Walpole) for his attendance upon the Committee, and the attention he had given to this subject. It would, however, be an injustice to the Lord Advocate not to state that, although the Bill contained many features to which he felt a strong objection, yet that he viewed the Bill as a great improvement upon the present law.

COLONEL BLAIR said, he could not feel justified in departing from the decision of the Select Committee.

MR. CUMMING BRUCE said, he placed too high an estimate upon the right of appeal to accept the Amendment, and thereby limit its application as regarded Scotland. He thought the people of Scotland were under very great obligations to the right hon. and learned Gentlemen opposite, the Lord Advocate, and he hoped the Committee would receive the Bill in its entirety.

Mr. DUNLOP said, he must confess, notwithstanding what had fallen from his hon. Friend the Member for Montrose, that the Bill had come out of the Select Committee greatly improved, and that it effected a considerable improvement in the present state of the law.

The LORD ADVOCATE said, he was bound to give the flattest contradiction to the statement that this Bill had been referred to a packed Committee. The Committee considered that the question of the double sheriffs had already been decided by that House, and that it was unnecessary to take evidence upon that point. They then determined to go through the Bill clause by clause, and to take evidence upon any clause upon which further information seemed desirable. After having made considerable progress with the Bill, it seemed unnecessary to take any evidence, and the hon. Member for Montrose (Mr. Hume) himself acquiesced in that opinion. The hon. Member for Montrose had stated that he (the Lord Advocate) would not earn the character of a legal reformer by this Bill. He intended to do his duty to the best of his ability, and that was all that any one need be very anxious about. That duty he should continue to perform by refusing to yield to what he knew to be an ignorant, although it might be a popular, clamour.

Question put, "That the word 'twelve' stand part of the clause."

The Committee *divided:*—Ayes 82; Noes 14: Majority 68.

Clause *agreed to;* as were also Clauses 20 to 40 inclusive.

Clause 41 (Provision for Retiring Allowance to Sheriffs and Sheriff Substitutes disabled after long service).

Mr. HUME said, it was his intention to move an Amendment to the effect that no such retiring allowance should be granted to the sheriff depute, inasmuch as he was in many cases a practising barrister.

Amendment proposed, in p. 16, l. 38, to leave out from the word "counties" to the word "Provided," in p. 17, l. 2.

Mr. DUNLOP said, he thought it was eminently for the advantage of the country that gentlemen holding the office in question, many of whom had attained an advanced period of life, should have a fair retiring allowance after a full period of service, more especially as on being appointed to the office, they generally ceased from practising as advocates. He would therefore cordially support the clause as it stood.

Mr. DUNCAN said, he was of opinion that the clause in effect gave a man 500*l.* a year only because he was a bad barrister.

Mr. WALPOLE said, he thought it would be the most impolitic thing in the world to exclude a sheriff-depute from a retiring allowance.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 65; Noes 16: Majority 49.

Clause *agreed to;* as were the remaining clauses.

House resumed; Bill *reported* as amended.

THE BALLOT.

Mr. BONHAM-CARTER said, he should not detain the House very long whilst he introduced a subject which he believed would be found of a simple and practical nature, and to which he thought no objection would be made. He proposed to ask leave to bring in

> "A Bill to provide that whenever a Commission to inquire into the corrupt practices at any election for any county, division of a county, city, borough, university, or place, in the United Kingdom, shall have issued, under the provisions of the Act of the 15th & 16th years of Her present Majesty, the votes at the two elections next subsequent thereupon in any such place shall be taken by ballot."

He made this proposal upon general and special grounds. No one who had paid attention to the subject could fail to have observed the singular course which the question of the ballot had taken since the Reform Bill. Every one hoped that when that Bill became law, it would have the effect of enabling those inhabitants of the country who were endowed with the electoral franchise to give their votes fairly and freely; but it was soon found that it did not put a stop to intimidation, bribery, and other corrupt practices; and the opinion began to spread that the ballot would be the only remedy. Mr. Grote, therefore, introduced the question of the ballot at an early period, and in the year 1835 it was discussed. In 1838 the great debate took place to which all subsequent debates upon the subject referred; and in 1839 it might be said that the ballot had reached its culminating point, for upon the division there were nearly 550 Members in the House. On that occasion 333 voted against the ballot, and 216 for it. But from that time the interest felt on the subject appeared somewhat to decline; and between 1842 and 1847 it seemed almost to fail. In 1839 Sir Robert Peel introduced the Bill which modified the formation of Election Committees, that being one of the measures by which it was hoped purity might have a fair trial. The ballot, therefore, was not so strongly pressed whilst that measure was in course of trial. But in the last Parliament a triumph was to a certain extent obtained; and a warning was then given which it was thought both candidates and constituencies would accept .How that warning had operated was proved by the results of the last election. At that election the contest was carried on under the exciting circumstances of a stronger party struggle than we had seen for many years. All the means and resources which strong party feelings could adopt were brought into action; and in the petitions that arose out of it there were allegations of all sorts of corruption, bribery, and intimidation. The result, however, proved that bribery had not prevailed to the extent that was supposed; but upwards of thirty members altogether were unseated for bribery and corruption—fourteen on one side, and twenty upon the other—thus showing that the means hitherto taken to repress such practices had not been productive of much effect. Under such circumstances the House need not be surprised at finding that, after 225 contested elections, upwards of 100 petitions followed; and that the hopes of the friends of the ballot should revive. The division in 1852 showed that there were 246 Members against the ballot, and 144 for it; but in 1853 there were only 232 against it, whilst 172 voted for it, showing an increase in the number of the supporters of the question, and a diminution in the number of those who opposed it. The last division, indeed, proved that the strength of the question in the House was nearly as great as it was in 1839; and, looking at the constituencies of the 172 Members who gave their votes in favour of the ballot this year, it would be found that they expressed the sentiments of upwards of 500,000 electors — the constituency of the whole country being about 1,100,000; while of the 232 Members who voted the other way, there were not above fifty or sixty who sat upon his (the Government) side of the House, and more than 113 were county Members, who could hardly be good judges upon such a question. Finding that there was such a large number of Members in that House ready to support the application of the ballot, and seeing that a considerable number did not present themselves at the division, knowing probably that their constituents were not unfavourable to the measure, he had thought it right to give an opportunity to hon. Members who might be doubtful as to its application generally, to try the experiment upon a scale which would afford a favourable means of testing its merits. There was another reason why such an experiment should be tried at this time. It was expected that a great measure of electoral reform was intended to be proposed to that House, if not next year, certainly the year after. Such a measure must come sooner or later; and, come sooner or come later, it was quite clear that, whether it was an extension of the franchise alone, or a modification of the constituency, the result must give a great accession of strength to the friends of the ballot. He, therefore, thought it would be a wise step to prepare for this change, and to withdraw the ballot from the domain of mere abstract debates and reasonings, in order, if possible, to try it practically upon such a scale as would enable Parliament to judge of it by practical experiment. The Lords had not signified their assent to a Commission for Maldon; but he proposed it should be one of the boroughs in which the experiment should be tried. It contained 845 electors, and 5,888 inhabitants. Last night the Address was sanctioned by the House of Lords for Barnstaple and Tynemouth. Barnstaple had a constituency of 869 electors, and Tynemouth 1,169. For Canterbury, Kingston-upon-Hull, and Cambridge, there were Commissions sitting. In Cambridge there were 1,984 electors, in Canterbury, 1,874, and in Kingston-upon-Hull upwards of 5,000. These constituencies were of a variable character, and afforded a fair opportunity of trying the experiment. The ballot applied to these towns, would prevent any small knot of voters in any of them from ruling over the other electors, and securing a return by union among themselves. But there were in these towns, also, a large proportion of electors who were not swayed by corrupt motives. These, the respectable portion of the constituencies, ought not to be overwhelmed and swamped by the corrupt bodies which still remained, supposing the franchise was not withdrawn from them. The proposed Bill would afford an opportunity of interposing between these classes; it would step in between the corrupt and the corrupters, and prevent the next return from remaining in the hands of a body which did not rightly value the nature of the franchise. He would now briefly indicate the provisions of the Bill he proposed to introduce. The returning officer might, from the notoriety of the Commission, easily take steps for taking the votes by way of the ballot. As to the mode of polling, he should be ready to accept suggestions; but he apprehended that the simplest plan would be that when the elector presented himself at the booth, he should be identified by an authorised clerk. Upon being identified, he should receive an authorised card, with the names of the candidates printed upon it, with distinguishing marks for those who were unable to read; and that then, instead of the clerk taking his name down in writing, there should be a sufficient screen or boarding to prevent overlooking, and the man should put the card folded up with the name of the candidate whom he preferred into the box. He did not suggest this as by any means a perfect scheme; it was only an experiment, and he only proposed to apply it to a few constituencies. He offered it, in fact, as a contribution on his part towards a settlement of the question which had hitherto been debated only upon abstract grounds. Such a measure, he believed, would enable the electors of the country to express an independent opinion; and, believing the House would regret if it let the present opportunity pass without taking a step of this nature, he asked leave to bring in the Bill, the provisions of which he had briefly explained.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill to provide that whenever a Commission to inquire into the corrupt practices at any Election for any County, Division of a County, City, Borough, University, or place, in the United Kingdom, shall have issued, under the provisions of the Act of the fifteenth and sixteenth years of Her present Majesty, the Votes at the two Elections next subsequent thereupon in any such place shall be taken by Ballot."

Mr. FREDERICK PEEL said, that in the absence of other Members of the Government, whose attendance was required elsewhere, the duty had devolved upon him of asking the House not to consent to the introduction of this Bill. His noble Friend the Member for the City of London (Lord J. Russell) had spoken to him upon the subject of this measure; and he would endeavour to state one or two reasons which occurred to him as objections to the proposal, and which he hoped would prevail with the hon. Member so that he would not press this Motion. No discussion could have been more full and complete than that which the general question of the ballot, and its applicability to the election of Members of Parliament, had undergone in the present Session; it had been decided upon, and he (Mr. Peel) considered that it had been fairly disposed of for the remainder of the Session. But the hon. Gentleman brought it forward again with the view of obtaining a trial for the ballot in particular cases. A question, however, of such magnitude ought to be dealt with upon general grounds, and not treated in a partial and exceptional way. If the ballot was a sound measure, and was calculated really to suppress the anomalies and corruptions of the electoral system, it ought to be applied universally. On the other hand, if it were possible that it might lead to injurious or doubtful consequences—if, as many persons believed, though it might check evils in one direction, it would produce greater evils in another—then he questioned the justice of applying it to a particular district for the purpose of teaching a lesson to other parts of the country. If a particular place or locality only was intended to be affected by a Parliamentary Act, the measure should be put in motion only at the suggestion of those who were interested; and he remembered a very fair proposition of that kind having been made. It was suggested that if the majority of any constituency requested that they might return their Members by way of the ballot, their request should be complied with. He gave no opinion upon such a proposition; but, in the present case, the hon. Gentleman proposed that, with or without the concurrence of the parties interested, they should be called upon to return their Members by way of ballot, although it might be their firm conviction that by such a mode public opinion could not obtain a fair representation. It appeared to him, therefore, that the House should not consent to the introduction of this Bill. It had, he thought, been admitted that the ballot would be inoperative to check bribery, though it might throw considerable obstructions in the way of intimidation. Where intimidation was rife, and parties were disposed to exercise undue influence, whether from property or numbers, it might fairly be contended that the ballot would prevent the repetition of those practices. But the hon. Gentleman did not propose to apply the ballot under this Bill to any such cases, but only where corrupt practices prevailed. This meant bribery. But it was admitted that the ballot would not check bribery. Under these circumstances, if the Bill became law, it would not be effectual, whilst it would be inconsistent with the measure to which the hon. Member proposed it as a supplement, namely, the Act under which Commissioners were appointed to inquire into the state of any particular borough. There might, if it became law, be an election going on in any place at the same time that the Commission was pursuing its investigation. So that there would be Commissioners, armed with extensive powers of inquiry, doing their best to throw light upon what had taken place at elections, whilst there was actually one proceeding at the same time, shrouded in all the mystery of secret voting. Such a result, he thought, would tend to paralyse the Commissioners' inquiry. The hon. Gentleman had not exactly described the plan under which he proposed the votes should be taken, but said he was open to suggestions. He should, however, have proposed some clear and tangible plan. There were many persons who did not object to the ballot on principle, but who had not made up their minds as to the mode in which the votes should be taken, that was, whether it should be compulsory or optional that they should be so taken. The hon. Gentleman had failed to enlighten the House upon these matters. For these reasons he (Mr. Peel) must oppose the introduction of the Bill.

Mr. H. BERKELEY said, he greatly objected to have the ballot treated after the fashion proposed by the hon. Gentleman. He objected to such homœopathic treatment—he objected to such infinitesimal doses. He should merely refer to one observation of the hon. Member who had just sat down. He could not permit the observation to pass that it had been ever admitted by any friend of the ballot that it was inoperative against bribery; for they all stated their belief that in any fair-sized constituency it was the best preventive of that practice. As to intimidation, which used to be disputed, that ground was given up long since. The ballot was a perfect cure for intimidation, and it would be a decided preventive of bribery. He should not vote against the Motion, and he certainly could not vote for it; therefore he should take the middle course of walking out of the House.

Mr. FITZSTEPHEN FRENCH said, he believed that the House had no disposition to go on with this debate. Seeing there was not a Minister of the Crown present, from a cause which they all knew, and as they were aware that Mr. Speaker had also a call elsewhere [*the hon. Member was understood to refer to the Royal christening*], he thought they should not proceed further, and he, therefore, moved that the House do now adjourn.

Motion made, and Question, "That this House do now adjourn," put, and *agreed to.*

House adjourned at a quarter before Seven o'clock.

HOUSE OF LORDS,

Wednesday, June 29, 1853.

Their Lordships met; and having gone through the Business on the Paper,

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Wednesday, June 29, 1853.

Public Bills.—2° Transfer of Land (Ireland); Seamen's Savings Banks; Public Libraries (Ireland).

THE WEST INDIA LOANS.

Mr. TOLLEMACHE said, he begged to ask the hon. Under Secretary of the Treasury a question on the subject of the Antigua loan, which loan had been advanced in consequence of an earthquake in that island. A letter had been addressed to the Chancellor of the Exchequer from a gentleman who was deeply interested in the question, in which he earnestly requested that it should be allowed, as a stipulation of this loan, that the same principle should be applied to it as had been applied to the repayment of advances made in this country for the drainage of estates—namely, the creation of a terminable rent-charge of 6½ per cent, by which the principle and interest would be paid off within the period of twenty-two years. He wished to know whether the Government were prepared to comply with the earnest request contained in that letter?

Mr. J. WILSON said, in reply to the question of the hon. Gentleman, that the subject was one of very considerable importance in relation to the present state of the island of Antigua, and, being such, it had received the careful consideration of the Treasury. The letter to which the hon. Gentleman alluded had been received within the last few days, and was considered by the Treasury with every disposition to meet the requirements of the islands which were the subject of the loan. He wished, however, to mention to the House the circumstances under which those loans were granted. In 1843, in consequence of hurricanes which occasioned great destruction of property, the Government consented to make loans to Antigua, to Nevis, and to Montserrat, to the extent of about 150,000*l.*, of which the loan particularly under consideration was 100,000*l.* The conditions upon which those loans were made were these—that after 1846 the loans should be repayable by instalments of 10 per cent each year; and in the mean time a rate of 4 per cent interest should be paid to the Treasury. In 1848 three instalments of this loan had been paid by the island of Antigua; and, in consequence of the state of the sugar plantations at that time, the Treasury consented to the postponement, or rather to the suspension, of the annual instalments for a period of five years; so that the first of the new instalments would become due on the 1st of August in the present year. The Treasury had already received upwards of 9,000*l.* towards the payment of that instalment and interest for the present year from Antigua, the whole amount due from that island being little more than 12,000*l.* The three islands, however, stood under different circumstances. Antigua had paid three years' instalments; Nevis two years' instalments; but Montserrat had paid nothing at all. Government were anxious to put all those islands upon the same footing, and that whatever concession was made to the one should be made to them all. They therefore proposed to do this. They could not consistently adopt the plan suggested in the letter referred to in respect to the drainage loans of this country, for the obvious reason that ten years had elapsed since the loans were made. What Government proposed to do was this:—Antigua having already paid upwards of 9,000*l.* towards the instalment due this year, they proposed that the remainder of the instalment and the interest shall be paid. They made that the condition, in order that they might be able to put all the islands on the same footing. And they made the same proposal with regard to Nevis. Upon these instalments being completed, the Government proposed to reduce the rate of interest from 4 per cent to 3¼ per cent; and they further proposed to reduce the instalments upon the capital from 10 per cent to 5 per cent. He must inform the House that the Government made two conditions to secure this plan. The Government charged upon those loans 4 per cent, but the Commissioners upon the islands charged the planters 5 per cent, the difference being for the management of the loan. Now, inasmuch as the Government were making a concession at this time to the islands, they thought that they ought to call on the local government to discharge this duty for nothing, as it gave them very little trouble; so that the relief to the planter would be, not merely from 4 per cent to 3¼ per cent, but from 5 per cent to 3¼, besides the prolongation of the term for the repayment of the capital. The other condition of the Government was, that in the event of these moderate instalments to the Treasury not being strictly and properly carried out, they shall have the power to revert back to the original conditions upon which the loans were granted. With regard to Montserrat, the Treasury had instructed the Colonial Office to write to the Governor, informing him of the terms that they had offered to the other islands, and stating that they were about to make the same concession to that island, provided it paid its instalments up to the present year.

Mr. TOLLEMACHE said, he wished to know when these instructions were to be sent out?

Mr. J. WILSON said, the instructions were ordered to be sent out to the Governors of the different islands by the next mail.

TRANSFER OF LAND (IRELAND) BILL.

Order for Second Reading read.

Mr. VINCENT SCULLY rose to move the Second Reading of this Bill. Though a short it was a very important measure; and when the House gave him leave to introduce it a few weeks since, he stated that he reserved any statement which he might have felt called upon to make, until hon. Members should have had an opportunity of reading the measure. He had endeavoured to frame the Bill, which was one of a very comprehensive character, in language so simple that any person taking an interest in the subject would be able to understand it, although he might not have had a legal education. With the assistance of gentlemen of great experience, he had, he believed, succeeded in framing a most important measure in the simplest possible language. He found considerable difficulty in approaching the subject on account of its magnitude, and he did not wish to detain the House any longer than was necessary; but he must trespass for a short time on their indulgence, while he explained the object of the Bill. The subject was one which, although until within the last few years comparatively unknown, was every day acquiring more importance. The first time that public attention was called seriously to it was in 1830; and he found that in the second report of the Real Property Commissioners of England, all the evidence which tended towards a simplification of the laws of transfer of property was given by foreign witnesses, for on the Continent there had long existed systems for the transfer of land, up to the present time unknown in this country—at least since the introduction of feudal tenures. He would not detain the House by going into the evidence taken before those Commissioners, but would pass over the intervening period up to the year 1846. It was now generally admitted that all the great interests of the country would be benefited by the introduction of a system which would simplify the transfer of land. The first recommendations on this subject came from a very influential quarter. A Committee of the House of Lords, consisting of noblemen who from practical experience were eminently qualified to offer an opinion on this subject, in their report bearing date the 19th of June, 1846, unanimously agreed that it was their opinion that the marketable value of real property was considerably diminished by the deeds of transfer necessary under the present system, and that if at any time it was necessary to raise a sum of money upon landed security, the law expenses were very heavy, and the transfer to the mortgagee was attended with a very serious expense to the mortgagor. That Committee also endeavoured to impress upon the House the necessity of a complete revision of the existing system of conveyancing. From the publication of that report to the present time, with scarcely any intermission, the attention of practical men and of members of the legal professions had been directed to the subject, with the view of seeing what changes could be beneficially introduced, until at present the matter had assumed a practical and tangible shape, which must soon force itself upon the attention of all classes of the community. He would briefly mention to the House what had occurred from the date of that report towards urging forward the introduction of a system for facilitating the transfer of land. In 1847 a Commission of Inquiry was appointed to examine into the laws affecting landed property, presided over by Lord Langdale. In the same year there was established the first of those land societies which had since spread to so great an extent. The Birmingham Land Society was established in that year, from which some hundreds had since sprung up. The capital of those societies had increased to an enormous extent, and they were mainly called into existence from the want of facility for the transfer of land. In England it was at present practically impossible for any one owning property, even in fee-simple, to dispose of a small portion of it; for the deeds and necessary expenses connected with the sale would almost equal the price of the property; and in Ireland, from local laws, it was even more expensive still. In the year 1848, in consequence of the disastrous condition to which Ireland, by a complication of causes, was reduced, the first Encumbered Estate Act was passed. He would just mention that the measure which he proposed was confined to Ireland; but it was so framed that by the alteration of a very few words, and the introduction of one clause, it could be rendered applicable to England, or, indeed, to any country, and it would be equally advantageous to all parts of the globe It was his opinion—an opinion based upon many years' study of the subject—that a measure of that description was the most beneficial which could be applied to any country. He brought forward this Bill with a deep conviction of its immense importance; and he had at one time stood nearly alone in that conviction. In matters connected with the sale and transfer of land, he had a great deal of personal experience, and he should not have presumed to bring forward the present measure without having studied the subject with considerable care. He might perhaps be excused saying that he occupied some positions which enabled him to view the subject under different aspects. During a long practice in conveyancing, and in the courts of equity, he had had frequent opportunities of observing the working of the present system; he was also himself an owner and an occupier of land, and was thus able to consider the matter from four points of view. The Encumbered Estates Act, which was passed in the year 1848, was found to be practically inoperative, and became a mere dead letter, from its being too complicated in its provisions, and being burdened with *caveats* and other matters necessary to be attended to. He remembered, almost immediately after the passing of that Act, expressing an opinion of the advantage a simplified system of transfer, conveying a secure title, would be to the landholders in Ireland. It would be recollected at the passing of that Act what an outcry was raised against that description of legislation; but in the following year, the Act of 1848 having proved inoperative, the present Incumbered Estates Act was brought in and passed. It was, however, an Act of a very different character—it was exceedingly well framed, very simple in its operation, and provided for every possible case which could come within its purview. It also provided very good machinery to carry out its object, which was to establish a temporary court for the speedy sale of incumbered estates, and to bestow upon the purchaser a Parliamentary title. There were precedents in Ireland for the bestowal of Parliamentary titles upon the sale of land in the time of Charles II., and also in 1703, by the sales at Chichester House, under the Forfeited Estates Act; but from the operation of various laws the titles of land had become as complicated as before. He wished to correct a vulgar error which was very prevalent in England, that the encumbered estates in Ireland had been brought into their present state principally through the recklessness of the Irish proprietors. He did not believe that this was true to any greater extent than in England, for in both countries landed proprietors had, no doubt, in some cases ruined themselves by their extravagance. In his opinion, the fact of the landed interest interest in Ireland having come to a dead lock was attributable to three causes. First, came the great distress of the country, which considerably depreciated the value of landed property—distress produced by causes which, happily, no longer existed. The two other causes were connected with the system of titles in Ireland. From various circumstances there was greater difficulty in the transfer of land in Ireland than in this country. One difficulty arose out of the registry system. It was possible in Ireland to make out with sufficient means and time an absolute title, but at a prodigiously increased expenditure; although, indeed, the title so obtained might be more secure than an English title. In England there was a facility of transfer of land from the incumbrancer which did not exist in Ireland; for, in England, if the mortgagee wished to foreclose he had only to file a short bill, and would then be able to foreclose, and acquire title to the property. In Ireland a foreclosure bill was a bill of sale also. The state of the property was examined into, and all the incumbrances discovered—an operation which at times lasted twenty years. At the sale of the property the purchaser acquired no secure title, and all the protection which the Court afforded him was, that those persons who had been before the Court, were bound by the decree; but the purchaser had then to find out if there had been any other incumbrancer before he could feel certain of the security of his title. He was not exaggerating, but stating the ordinary practice in Ireland. The different systems in the two countries would perhaps have brought the landed estates in Ireland to a dead lock sooner than those in England; but the local distress and the consequent depreciation of the value of property had accelerated a crisis which was no longer tolerable, and which nothing but the Incumbered Estates Act could put an end to. Nunberless instances had come under his own observation of the depreciation of the value of land in consequence of the want of facility of tranfer. One case, and he did not believe it to be an extreme, although it was a strong one, had fallen under his observation, in which a lawsuit had been carried on to enable the purchaser of Irish property to obtain a certain title, of which the costs were about 2,000*l.* to the vendor, and about 1,500*l.* to the purchaser. The hon. and learned Gentleman related a similar instance illustrating the difficulty of the transfer of a charge upon land. This state of things led to the passing of the Incumbered Estates Act in 1849. The House was perfectly aware how matters had proceeded under that Act. True, some hardships had been suffered during the year or two after it came into operation, because it was not accompanied by measures to mitigate its rigour; but, on the whole, the Incumbered Estates Act had worked well for Ireland. The next step taken in connexion with the question was the introduction of a Bill by the hon. Member for East Surrey; and the speech with which the hon. Member prefaced it showed that his object was the same as that for which he (Mr. Scully) was contending. On the 9th of April, 1850, a Bill called the Security for Advances Bill was introduced, the object of which was to enable purchasers of land to borrow money to the extent of half the value of the property. This was a desirable measure so far as it went; but it was not up to the mark. At the same time the principle of the Bill obtained general assent in Ireland; and a large and influential meeting of persons interested in land was held in Dublin, at which a petition to the House was agreed to in favour of the principle, but praying that it might be extended. In 1851 the House was occupied almost exclusively with the Eccelsiastical Titles Bill, and during that period he devoted himself to the consideration of the land question, and published the result of his reflections. The sum of his desires was this—that there should be free trade in land, and he believed that it would be of more value to the country than free trade in produce. The most conservative Protectionist might support free trade in land, because it was a domestic article. This view had been adopted by an eminent Protectionist writer, Mr. Serjeant Byles, who in the eighth edition of his *Sophisms of Free Trade* made these observations:—" There must be no obstacle to the sale of land; there must be perfect free trade in land, and the opportunity of diffusing the ownership of land among the nation at large." During 1852 the attention of the country was engrossed with the general election, and this question lay dormant; but at the commencement of the present Session a flood of measures bearing on the land question had been introduced. All these circumstances attested that there was a growing conviction of the necessity not only of legislating on the subject, but of legislating in the way he proposed. Foreign writers had long declared in favour of the principle which he advocated, and in Prussia it was actually in practice to some extent. The Law Amendment Society of London approved of the principle, and the noble Lord the Member for London, in his address to his constituents, expressed himself thus: "The transfer of land is clogged with legal difficulties, expense, and delays, which unfairly diminish the value of that property, and, to a great degree, prevent its becoming an investment for the savings of the industrious classes." These views were ably advanced by the most powerful organ of public opinion in England. On the 3rd of September, 1852, the *Times* said—

> "Day by day the opinion of mankind is tending more decidedly towards the abolition of the distinction between real and personal property. To devise means by which land may be more easily transferred and rendered available for the purposes of commerce, is one of the greatest problems which can engage the attention of the statesman or philosopher."

Again, on the 11th of February last, the same journal published a leading article which contained these passages:—

> "Probably of all subjects connected with law reform there is none so important in itself and so eagerly desired by the nation as the simplification of the titles, and the facilitation of the transfer of land. It is felt that, by such a measure, the value of real property would be raised, and that not merely litigant parties, but every one possessed of an interest in the soil, would profit largely by the change. . . . . . The belief is more and more gaining ground that the principle of our law of real property is radically and essentially faulty. That principle has been to fetter the land by saddling its title with every contract relating to its possession."

An eminent writer, Mr. Carlyle, in his work called *Hero Worship*, had told them that every man originating any new idea must be satisfied to start it in a minority of one; and the same writer had also stated that in order to succeed in any great enterprise, the person embarking on it must have a thorough conviction of the truth of his cause, and of its ultimate success. That conviction he (Mr. Scully) undoubtedly had. He had no doubt of the ultimate success of the principles he now advocated, and that their universal application was merely a question of time. He entertained no doubt whatever that the method he proposed would, in its substance, and, perhaps in its identical words, become both the law of England and Ireland; and, were it not too presumptuous, he would almost say that it was destined to become the law of the world at large. Much discussion had taken place on the succession duty proposed by the Chancellor of the Exchequer, and he would probably have spoken against that measure, had it not been that he believed its imposition would have the effect of urging forward the speedy adoption of a plan for facilitating the transfer of land. The Chancellor of the Exchequer was right when he said the tax on successions was a matter positively trifling compared with the burdens sustained by landowners in the transfer of land; and was he (Mr. Scully) not justified in saying that the imposition of that tax would be the means of paving the way for the measure which he advocated? One of his principal reasons for coming into Parliament was, that he might be in a position to press on the attention of that House the ideas which he had that day endeavoured to express. Among other benefits which would ultimately flow from his measure was this, that it would be a true and lasting solution of the landlord and tenant question in Ireland. The utmost that Parliament could do, through the various modes that had been brought forward for settling that question, was to frame a good and fair partnership deed between landlord and tenant; but what they wanted was, a mode of facilitating the voluntary dissolution of partnership. If there was a cheap and easy transfer of land, an entirely new system would in a few years spring up—a system of selling and purchasing, instead of a system of partnerships. If a good system of transfer were introduced, every man would find it his interest to sell, and not to let his land. Before the Encumbered Estates Bill came into operation it was extremely difficult to sell small portions of land in Ireland—much more so than in England. Indeed, it was practically impossible to sell a small portion of land without incurring enormous expense, and, therefore, the proprietor was driven to let it. A great expense in conveyancing would produce exactly the same result in any other case. Supposing a man could not sell a horse without taking him to a conveyancer, and having deeds drawn up at great length, stating his genealogy, setting forth by name his father and grandfather, and making out a title just as in the case of land, it was perfectly plain that the horse would not be sold, and that the proprietor would be under the necessity of letting him out by the job, or by the month and year. As a proof of the excellency of an easy mode of transfer, he would refer them to the Channel Islands; there the system was to sell, and not let, the land, and the course taken was precisely that which he proposed. The consequence was, that the value of land in these islands far exceeded that of this country, and he believed that if the system were adopted here, the same results would follow. The people of those islands attributed their prosperity entirely to free trade in land. Indeed, it was almost impossible to exaggerate the good effects of the system there, both as regarded the value of the land, and the increase of the population. He hoped that the present state of the tenure in Ireland would be abolished, and that there would be, in the course of years, no other system than that of vendor and purchaser. In the Channel Islands there was no system of landlord and tenant as in Ireland. If a man wished to dispose of a small portion of land in Guernsey or Jersey, he could easily do so, whereas in Ireland that was impossible. The value in the Channel Islands was almost fabulous. There, upon 30,000 acres, they maintain a population of 90,000. In the rural districts the average value of land exceeded 8*l.* per Irish acre, or 5*l.* per British acre. The quality of the soil did not excel that of Ireland or England. The system had prevailed for many centuries. It had been handed down from before the time of the Norman Conquest, and the inhabitants attributed their great prosperity to the freedom allowed in disposing of their land. If the same system were put in operation in Ireland, he believed that not only would it be found that the value of land was greatly increased, but that in time—it might be centuries—the soil of Ireland, like that of the Channel Islands, might be supporting three persons to each statute acre, or 52,000,000 of people. With regard to France, he might state that a similar system there had received the complete assent of the French people. It was because the present system was introduced by the first Napoleon that the people of France entertained the affection which they had manifested for his family. From inquiries he had made, he was satisfied that the great attachment which they showed to the family of Napoleon Bonaparte was more owing to his measures for facilitating the diffusion of land in France, than to his great name as a conqueror. But he did not propose to adopt precisely the French system, which involved a compulsory subdivision of property. He thought a compulsory system of disposing of land was wrong, and not to be imitated. What he proposed was, free trade in land—that every man should have the power to dispose of his land freely and simply, just as he thought proper, during life and at death. The Bill was framed so simply that any one, though not a professional lawyer, might understand it on perusal, and in drawing it he had received valuable assistance from two professional friends of great legal experience and knowledge—Mr. Matthew Sausse and Mr. John B. Murphy, to each of whom he desired to express his deep acknowledgments. The first four clauses would have the effect of creating a Parliamentary title to an estate. By the first clause it was proposed to allow, upon the application of the owner of property to the land tribunal constituted by the Act, that the tribunal might direct a full investigation of the title to be made, and, if found good, might order that the land should be brought under the operation of the Act. The second clause explained the effect of such proceeding to be that no person should be at liberty to embarrass the land with any future settlement or new estate; but if the owner desired to raise money on the land, he could only do so by land debentures, though he might grant leases of the property. By the third section it was enacted that after any land was brought under the operation of the Act, the land tribunal might, after a full investigation of title, make an order declaring all existing estates and interests in the land, and all incumbrances thereon, and cause such order to be entered in the books of the tribunal. Such entry would, as regarded any estate, interest, or incumbrance appearing thereon, be conclusive evidence against all persons whomsoever; and the tribunal might grant to the person so entered as entitled to any such estate, interest, or incumbrance, a certificate of his title thereto. The fourth clause was one of the most important of the Bill. It authorised any person entered as owner of any estate to transfer his estate by simple entry in the books of the tribunal; and that entry should, without any deed or other assurance, suffice to vest in the person named in the transfer all the estate and interest in respect of which the prior owner appeared entered in the books of the tribunal. That was all that appeared to him necessary to facilitate the transfer of any landed estate; but then they had to deal with mortgages and other charges on land, all of which were to be disposed of and converted into one simple charge—namely, the landed debenture, a form of which was given in the schedule annexed to the Bill. The land tribunal would have power to charge an estate with debentures to a limited extent; and in all probability these debentures would bear but a small rate of interest—4 per cent, at the most, or, perhaps, only 3 or 2 per cent—and be looked on as among the best securities. The debentures, in sums it might be of 100*l.* each, would be registered in the books of the tribunal, and, being subject to a stamp duty, would produce an enormous revenue to the country, and would be negotiable by simple delivery, like a promissory note payable to bearer. He also proposed to transfer to the new land tribunal the entire jurisdiction of the present Incumbered Estates Court. These were the provisions of the Bill most necessary to be explained to the House; and, he would observe to English Members, that there was nothing to prevent the measure from being applied to England. There might be in England one title in ten thousand that turned out to be bad, and if English land were brought under the operation of the Bill instantaneously, some injury might be done; but it was possible to provide against that injury. If the person applying for the benefit of the enactments of the Bill were to pay a small fee, a very large revenue would thus be raised; and out of that it might be politic for the country, considering the immense and incalculable benefit which would be conferred on the whole country by the measure, to guarantee the title in those rare instances to which he had referred. In conclusion, the hon. Member observed, that he could not hope to carry the Bill in the present Session unless the Government took it up. He should, therefore, be content with passing the second reading, and having the Bill referred to the Select Committee on the Registration of Assurances Bill; and, should the measure not be taken up by the Government, he would press the subject again on the consideration of the House, should he be in Parliament, next Session. He moved the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read the Second Time."

Sir JOHN YOUNG said, he had no objection to the second reading of the Bill; on the contrary, he thought the hon. Gentleman (Mr. Scully) was entitled to the thanks of the House for introducing it, and for the time and trouble he had bestowed upon its preparation. The subject was one of the greatest possible importance. It was important to all classes of the community, and he believed its operation would be to increase the value of the land to the seller, and to give security to the purchaser that he would not be disturbed in his possession of his property. He believed it would also have the effect of enabling persons to buy small portions of land, and be the means of steadying the minds of the public, and of encouraging them to make investments at home. He would explain the course which Government thought it best to pursue with respect to the present and other Bills of the same nature. It was the intention of the Government to issue a Commission to inquire into the whole subject of the transfer of land in connexion with the Encumbered Estates Court, and it might be desirable to include this measure, as it was the intention of the Government to submit next Session a general plan on the subject, which plan he hoped would be satisfactory to all classes in the country. He did not know whether the hon. Gentleman had communicated with the Solicitor General for England on the subject; but he might say that if the Committee on the Registration of Assurances had time to consider the Bill, he had no objection to its being referred to them. It was the interest and the wish of everybody that the title to land should be simplified as much as possible. This Bill tended to simplify it; and, therefore, he should not object to the second reading.

MR. SCULLY said, he had mentioned the chief provisions of the Bill to the Solicitor General for England, and although he did not feel at liberty to state the views of that hon. and learned Gentleman, still he could say that he entirely approved of the Bill being referred to the Select Committee on the Registration of Assurances.

SIR JOHN YOUNG said, he would, then, offer no objection. It was his object, as it was that of all parties in this country, to simplify the transfer of land, and to give security of title and facilities for sale; therefore, on the part of the Government, he certainly was not prepared to offer any opposition to the second reading of a Bill based on that principle.

MR. NAPIER said, he presumed the consent of the Government to the second reading did not pledge them as to their future course in regard to the Bill.

MR. HEADLAM said, he wished to know whether they were to understand that a Commission as to the law of real property was to be issued as to Ireland?

SIR JOHN YOUNG: Yes.

Bill read 2°.

THE LIVERPOOL WRIT.

MR. FRESHFIELD said, he would now move that a new writ be issued for the election of two Members for Liverpool, in the room of Mr. Turner and Mr. Forbes Mackenzie, who had been unseated on petition. He did not think it necessary to enter into the transactions of the last election. They underwent a most searching investigation before the Committee, and it would be sufficient for him to state the results to which the Committee had arrived. The Committee found that refreshments were provided on the poll day at numerous public-houses where the voters had been directed to assemble for the purpose of being conveyed to the poll, but it did not appear that the treating that took place was of an extravagant character—that a number of the voters were bribed by the payment of 5*s.* and 4*s.* each, which was given them under the name of the day's pay as a compensation for the time that they lost, but the booths were so situated that they could have voted without loss of time; and the Committee recommended that the issue of the writ should not be suspended, and that it was not necessary that any further inquiry should take place. He was not only authorised, but requested, to state, on behalf of the hon. Member for South Shields (Mr. Ingham), the Chairman of the Committee, that he regretted his absence on this occasion, or he would have brought forward the Motion himself; but he was under the necessity of discharging a judicial duty at Newcastle. He might fairly have expected that the Motion would have been adopted without opposition; but he found two notices applicable to this day, and one applicable to a future day. The noble Lord the Member for Marylebone (Lord D. Stuart) first proposed that the elections at Liverpool shall in future take place by way of ballot. That, he took it, was no Amendment at all on his Motion, which was that the writ should be issued. His next Amendment was, that the issue of the writ should be suspended till the 20th of July, and he had also given notice of his intention to move for leave to bring in a Bill that in future all the elections at Liverpool should be by ballot. He (Mr. Freshfield), however, did not think that the House would disregard the recommendation of the Committee, that there should be no suspension of the writ; and if they were to put it off till the noble Lord could move for leave to bring in his Bill, that would be an indefinite postponement, as that would, in effect, be postponing it till the Bill passed through all its stages, supposing it were agreed to by the House.

Lord JOHN MANNERS seconded the Motion.

Motion made, and Question proposed—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Liverpool, in the room of Charles Turner and William Forbes Mackenzie, esquires, whose Elections had been determined to be void."

Lord DUDLEY STUART said, his first Amendment had remained on the paper by mistake. He had intended to make a Motion of that description, but being informed by Mr. Speaker that he could not make such a Motion consistently with the forms of the House, he abandoned it, and he now proposed that the writ should be suspended till the 20th of July. He was desirous, at the earliest possible period, of bringing forward a Motion for leave to bring in a Bill that all elections at Liverpool should be taken by ballot, and the earliest day he could make that Motion was the 19th of July, and he was desirous that the writ should be suspended till the House had had an opportunity of discussing that Motion. He was desirous of the elections being taken by ballot in Liverpool, not with a view of punishing that borough for corrupt practices, but that they might have experience of the ballot in a large constituency. He thought that would be a boon to the electors of Liverpool, and he believed there was throughout the country a wish that the ballot should be tried. Reference had been made in the recent debate on the ballot to the fact that at parochial contests in Marylebone the votes had lately been taken by ballot, and it was said that that did not prevent influence being exercised—

Lord JOHN MANNERS rose to order. The noble Lord was referring to a debate on another subject.

Mr. SPEAKER said, the noble Lord (Lord Dudley Stuart) was clearly irregular in his reference to what was said in that debate.

Lord DUDLEY STUART said, he bowed to the decision of Mr. Speaker; but he must say that the course he was pursuing was one of constant occurrence.

And it being Six of the clock Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, June 30, 1853.

Minutes. Public Bills. — 1^a Transportation.
2^a Colonial Bishops Act Extension ; Patronage Exchange.
Reported.—Excise Duties on Spirits; Juvenile Mendicancy (No. 2).

FREE LABOUR FROM LIBERIA.

Lord BROUGHAM said, he wished to ask the noble Duke the Secretary for the Colonies, whether he was aware of a proclamation which had been issued by Governor Roberts, the Governor of the colony of Liberia, on the coast of Africa, and which was dated the 26th of last February, which he (Lord Brougham) had seen in an American paper? and, if so, had the noble Duke any objection to lay on the table a copy of the contract referred to, which was understood to have been made with Messrs. Hythe and Hodges, of London, by the Government, for supplying free negroes to one or other of our West Indian colonies? The statement made by Governor Roberts in the proclamation was this—that the gentlemen alluded to had offered an advance of ten dollars a head on the market price—that phrase so repugnant to all one's feelings in such a case—of a negro on the coast of Africa; and he added that it was known to those whom that mystery of iniquity, the slave trade, was familiar, that ten dollars was the whole price of one of those unhappy mortals on the coast, and that the consequence of the offer would be, that the native chiefs would immediately grasp at it—they would keep all the negroes they could get in houses—which, by what would have been a gross abuse of language, he had nearly called houses of refuge, but which were houses of torment—where those poor creatures would be kept in a state of torture by scores and hundreds till they could dispose of them to the contractors; and that, not content with these negroes they had already, the chiefs would use the old accustomed and ordinary means of increasing the number of their slaves by war and pillage, which they carried on in the neighbouring districts. The Governor, naturally enough, said that he had understood all the efforts of this country had been directed to the extinction of the slave trade, but that the consequence of this proceeding would be the encouragement of that traffic; and he, therefore, had issued a proclamation, which was all he could do, warning the persons interested of the danger of carrying away any of those negroes against their will, which he suspected took place, though the negroes were supposed to be, and were called, free. The noble and learned Lord concluded by repeating his question.

The DUKE of NEWCASTLE said, he had not seen the proclamation to which his noble and learned Friend alluded, but that he was quite well acquainted with the transactions to which the proclamation referred. He was aware there was an arrangement with the persons named by the noble and learned Lord for carrying free negroes to some of our colonies, though he could not say whether it had been entered into by the Colonial Office, and that they had agreed to introduce free labourers from the coast of Africa to several of our West Indian colonies—Guiana, he believed, being one in particular. He knew very well the danger to which the noble and learned Lord pointed in allowing any traffic of this nature to go on without the most careful watchfulness on the part of the Home Government, not only to prevent the slave trade, but the suspicion of it; and he could assure his noble and learned Friend his attention had been more than once called to the circumstances connected with this case; and he felt, though the arrangement was safe in the hands of such very respectable persons as Messrs. Hythe and Hodges, there was no doubt that there was very great danger that it might become, if not slave traffic, something very like it, in the hands of other persons. He had no objection whatever to produce the contract referred to; and he thought it would be desirable to accompany it with the correspondence which had taken place with the Emigration Commissioners, that their Lordships might thoroughly understand, not only the nature of the transaction, but the care taken by the Government to prevent it from degenerating into anything like slave traffic.

EARL GREY thought it only just, as he was at the head of the Colonial Office at the time the contract was made, to state how the matter arose. Some years ago —he thought it was in 1848, a time of the greatest distress for the West Indian colonies—it was arranged that liberated Africans who had been rescued from slavers, and who should volunteer to go to one of the colonies, instead of being sent out there at the expense of that colony, should be sent out at the expense of the Government, and arrangements were entered into with Messrs. Hythe and Hodges for that purpose. They were most respectable shipowners, who entered into a contract for the performance of this service, and they carried it out in the most satisfactory manner; and whereas there had been the greatest difficulty in conveying those unhappy creatures to the colonies without a formidable mortality on board the ships, after the service was put into their hands, by the completeness of their arrangements those liberated Africans had been transferred to the colonies at an exceedingly low rate of mortality, and in some instances not a single death occurred on the voyage. It had long been the study of the Government of this country to encourage, as far as possible, the free immigration of Africans to the West Indies, and he had no hesitation in saying he thought it was a great national object. Various attempts had been made to accomplish it, particularly from a part of the coast of Africa where slavery was not practised—the Kroo coast. When he had the honour of filling the office of Secretary of State for the Colonies, Messrs. Hythe and Hodges offered to endeavour to get free immigrants from that part of the coast, for conveying whom they would be entitled to a certain bounty for emigrants under the provisions of the colonial laws; and the offer was accepted. He believed it was to British Guiana the offer was made in the first instance. Messrs. Hythe and Hodges undertook to make it; but it was laid down as a strict rule, that under no circumstances were they to purchase any of the persons sent over to the West Indies. There were many persons connected with the West Indies who had long urged on the Government that if it was allowed to buy slaves in Africa, and then to liberate them in the West Indies, it would be of great utility; but the proposition had been strongly resisted, and for this simple reason—if they allowed that to be done, though it was quite true they might relieve from a much worse fate many individuals, and prevent their being put to death, still it was perfectly clear, that the indirect effect of the system would be to lead to a universal slave trade on the coast of Africa. Therefore, while he held the office of Secretary of State, though many applications were made to him to relax the regulations, he never allowed the immigration to be carried on in any manner which did not afford the most perfect security that money was not given in any shape to persons in Africa to induce them to obtain emigrants; for, however strict the regulations might be made, if they allowed it to be understood that 3*l.* or 4*l.* were to be got by producing a voluntary emigrant, or a man called so, the system would inevitably tend to a universal slave trade. He was quite satisfied, from what he knew of Messrs. Hythe and Hodges, and from the admirable manner in which they had executed the service before, they would not be parties to anything likely to encourage that abominable traffic.

Lord BROUGHAM begged to say, he only knew of Messrs. Hythe and Hodges from Governor Roberts's proclamation. The remarks of the noble Earl were most valuable and important with respect to the prohibition of all purchases of emigrants.

COLONIAL BISHOPS ACT EXTENSION BILL.

The Bishop of OXFORD, in moving the Second Reading of the Bill, stated that it was intended to supply an accidental omission in an Act which was passed last year. That Act, which was introduced into their Lordships' House by the most reverend prelate (the Archbishop of Canterbury), had for its object to enable colonial bishops, in case of illness, or the like, to assist one another in the discharge of their episcopal duties. Owing to the great difficulty of drawing the Bill up, great alterations were introduced into it in its passage through the two Houses, and it so happened that in the course of these, by a singular fatality, that very part of it which carried into effect the original intent of the measure, slipped out. When very lately the late Bishop of Nova Scotia, when old and infirm, obtained the assistance of one of his right reverend brethren to hold an ordination, it was discovered that, though that ordination was good in the eye of the Church so that it could not be repeated, the persons ordained were prevented by the Disabling Act from exercising any function in the Church of England. The object of this Bill was therefore to carry out the original object of the Act of last year, and also to give validity to the ordination of these clergymen of the diocese of Nova Scotia.

Bill read 2^a.

PATRONAGE EXCHANGE BILL.

The Bishop of OXFORD, in moving the Second Reading of this Bill, stated that its object was to enable ecclesiastical corporations, sole or aggregate, to exchange their official patronage under certain conditions. It was intended, in issuing the Ecclesiastical Commission, to equalise not only the incomes but the episcopal patronage of the various bishoprics. Many years had elapsed without this latter object being carried out; but at length a scheme, prepared by Mr. Lefevre, one of the Commissioners — and for which the greatest thanks were due to him — received the sanction of the Commissioners and the approbation of the Crown, under an Order in Council. Owing mainly to his right rev. Friend the Bishop of London, and one or two other prelates, who came voluntarily into it, and gave up a very large amount of patronage which they might have retained, this scheme took effect last year. In some cases, however, the patronage of some livings still remained in the hands of Bishops other than those in whose dioceses they were situated. Now, it was clearly advisable that Bishops should have their official patronage as far as possible in their own dioceses; and the object of this Bill was to allow ecclesiastical patrons to exchange benefices now in their gift for those in the gift of other ecclesiastical patrons or of the Crown. It was proposed that the machinery of the Ecclesiastical Commission should be used for this purpose; and it was the opinion of the Bishops and Archbishops that such a measure would tend greatly to the beneficial result of the legislation which had already taken place on this subject.

Bill read 2^a.

JUVENILE MENDICANCY (No. 2) BILL.

The Earl of SHAFTESBURY moved that this Bill should be committed *pro formâ*, in order that important amendments should be introduced into it. He would make a statement with respect to its objects and provisions on a future day.

The Earl of WICKLOW complained that a Bill which was fraught with great inconvenience and danger to the public, seemed to be going through all its stages without discussion. When the Bill was read a second time, the noble Earl promised to make a statement with respect to it on going into Committee, but he had not done so. This Bill, which was intended to extend to Ireland, was totally unfit for that country.

The Earl of SHAFTESBURY remarked that it would not extend to Ireland.

The EARL of WICKLOW said, if that were the case, what was the meaning of the last clause, which excepted Scotland only from the operation of the Bill? He also objected to it because it contained a principle which was quite a novel one in our law—that any stipendiary magistrate should in the execution of the duties of a magistrate be considered equal to two ordinary justices of the peace. He warned the House of the danger of adopting a provision which would tend to lower the dignity of the magisterial office.

LORD CAMPBELL remarked that the Bill would not be in the least degree advanced by its *pro formá* committal; it would then be reprinted, with amendment, and afterwards recommitted.

The EARL of SHAFTESBURY said, that he was so anxious to have a discussion on this Bill, that he had given a long notice of his intention to move its second reading on the 28th instant. It then, however, unfortunately happened that the Ministers and a large part of the House were unavoidably absent; and as it was, it was necessary to proceed with as little delay as possible at this period of the Session. He asked their Lordships, then, to read it a second time, and to allow it to be committed *pro formá* that day, in order that it might receive important amendments. Everything had been done in the most straightforward and explicit manner, nor did he think that any noble Lord, except the noble Earl, would charge him with attempting to smuggle the Bill through the House. The noble Lord thought it wrong that one stipendiary magistrate should be accounted equal to two justices; but he (the Earl of Shaftesbury) must be allowed to say there were some justices of whom he thought that not even nine would be equal to one stipendiary magistrate.

House in Committee; Bill *reported*, without amendment; Amendments made on Report; and Bill *recommitted* to a Committee of the whole House on *Tuesday* next.

AFFAIRS OF JAMAICA.

The DUKE of NEWCASTLE rose to present (by command) papers relative to legislative proceedings in Jamaica. He said their Lordships were no doubt aware, by the accounts which the two last West India mails had brought, of the unfortunate dissensions which had occurred in Jamaica between the Governor and the Executive Council on the one hand, and the Assembly of the island on the other; arising, so far as the immediate cause was concerned, from the measures of retrenchment proposed in the Assembly—measures affecting especially the salaries of Judges and of other high officers, which had been disapproved of and rejected by the Executive Council. Her Majesty's Government had felt it desirable that Parliament should be placed in possession of such information as had been obtained from the Governor, with respect to this unfortunate condition of one of the most important colonies of the empire. And he thought it would be right, in presenting these papers, that, although the Government did not propose to call upon Parliament to interfere in this quarrel by legislation, or to place the parties in a different position from that in which they at present stood, he should inform their Lordships of the views which the Government took of the question, and of the measures which they had decided upon adopting. He must say, at the outset, that he was not about to propose anything that could be called a plan, for he believed that in the present state of the island the quarrel was more likely to be adjusted by good management on the part of the Governor, and those who advised him, and by care and vigilance on the part of the Government at home, than by the intervention of the Imperial Parliament. It was desirable, whether they looked to the events which had arisen in the island, or whether they looked to the remedies which might eventually be called for, that their Lordships should consider the peculiar position of the constitution of the island. It was a constitution which was somewhat more than two centuries old. It was not, as many of the constitutions of our Colonies were, conferred by charter from the Crown, or, as was the case with others which had been more recently granted, conferred by an Act of Parliament. It appeared to have taken its rise from a patent granted by King Charles II., and in a very short time to have arrived at the form it presented at the present moment. It was worthy of remark, that while from almost the first moment of the commencement of this constitution the authority of the Crown was practically very small in that island, at a very early date those dissensions which had disturbed and tormented its condition for the last thirty years had also arisen at a very early period. Very soon after the commencement of the constitution, under the second Governor appointed during the reign of Charles II., the very same measure of refusing a Revenue Bill took place. If they looked to the constituency which returned the Assembly of Jamaica, it would be found very limited as regarded the amount of the population of the island, which, in round numbers, amounted to about 400,000; and, so far as they could judge of the numbers of the constituency by the numbers of persons who presented themselves to vote at the elections for the return of Members to the Assembly, it appeared that the constituency could not greatly exceed 3,000. The qualification of voters was threefold: the possession of property worth 10*l.* a year, an annual rental of 50*l.*, or the yearly payment of 5*l.* in taxes. He was speaking in pounds, in order to avoid the island currency; but the difference was immaterial. The peculiar anomaly of the constitution of the island was, that the functions of the Assembly had never been confined to those acts which were the peculiar province of representative assemblies all over the world—namely, those of legislation; but it had combined with its legislative functions both administrative and financial functions. Not only did they thus encroach upon the proper province of the Executive authorities in the island, but to such a length had this been carried, that even during the prorogation of the Assembly, and for the period between the dissolution and the meeting of the new Assembly, these functions were retained by the Members of Assembly thus prorogued or dissolved, in the form of Commissioners of public accounts, who carried on those functions until a new Assembly was returned, and thereby assumed the position of a permanent Committee. Instead, therefore, of the finances of the country being in any way under the control of the Governor, or of those who might advise him, as was the case in other colonies, and in other countries, in the Assembly of Jamaica each individual Member had the right to propose a vote for money or a money Bill, as he chose. The Governor had no Government organ in the Assembly, and there were no means whatever of interfering with or regulating or advising the Assembly in these respects. No estimates of the receipt and expenditure of money were annually prepared, and none were ever submitted to the Assembly previously to the money votes or Bills being proposed. The Assembly, therefore, contrary to the practice pursued in other countries, in the first instance proposed the money votes, it then voted the money Bills, and next it expended the money so voted and obtained by taxes. It made contracts and other regulations with a view to this expenditure. It did not authorise this expenditure in separate Bills, as was done in this country, but it specified in each particular Bill by "appropriation clauses" the particular object the money Bill was provided for; and, to make the anomaly still more complete, the same body audited the public accounts. What was the consequence of this state of things? Taxes had been repealed, and were constantly being repealed, without any consideration, except so far as they bore upon particular classes or interests, and without any consideration of the effect such proceedings must have on the general revenue and expenditure of the colony. Among other important things, one result had been to inflict upon the colony a very considerable debt, added to which was what he was sure their Lordships would concur with him in thinking a great aggravation of the evil, an inconvertible paper currency, which had been introduced, and had been existing for some time in the colony. Nor was this anomalous and monstrous state of things confined to the taxes collected for the revenue and for public purposes of the colony. The same system prevailed also to a great extent as regarded the parochial taxes, which amounted to about 65,000*l.* annually, and which, therefore, formed a very important item, when they came to look at the extent of the revenue dealt with and controlled by the Assembly. The management of the roads, and of other important branches of the public service, was entirely under the control of the Assembly. The result of this state of things was, that the taxes imposed by the instrumentality of the Assembly were either collected or not collected, as suited, in many instances, the partial views of classes or individuals. If the taxes had been fairly, and impartially, and rigorously collected, as was the case in other countries, the revenue would, upon all occasions, have been sufficient for the colonial expenditure; but much of the difficulty which had arisen, and which had led to the system of retrenchment the Assembly was now endeavouring to carry out, had been occasioned by remissness in the collection of taxes. He had already said that contracts were made by the legislative, administrative, and executive body in Jamaica, and he need hardly point out to their Lordships the unavoidable consequence which must arise in any state of society, and more especially in such a state of society as existed in Jamaica, from an arrangement of this nature—namely, extravagant and wasteful expenditure of the public funds. There was even another element in this anomalous state of affairs still more embarrassing. There was not in Jamaica even the security of a "consolidated fund," which we had in this country, nor were taxes imposed by the Assembly, or by the other authorities of the colony, until they should be found inconvenient or improper, when they might be repealed by the same authority which enacted them; but, following the former exceptional precedent of this country with regard to the sugar duties, which had since been abandoned, the island of Jamaica imposed nearly the whole of its revenue by annual Bills. Those Bills were passed only for twelve months, and were renewed or not at the option of the Assembly, after the expiration of that period. By far the largest portion of the whole revenue of Jamaica consisted of the import duties and the rum duties. The amount derived from all sources in Jamaica in the year 1852 was 253,000*l.* Of this, he found that the rum duties produced upwards of 45,000*l.*, and under the Import Duties Act 139,000*l.* was collected; so that these two taxes alone yielded about eight-tenths of the whole revenue of the island; and it was to these two sources of revenue that the prevailing dissension principally referred. There were also other taxes which were imposed in the same manner—enacted by annual Bills. The parochial taxation of the island was in the same condition as the public taxation, with respect to its imposition by annual measures. He hoped, if he was not troubling their Lordships at too great length, that they would allow him to show them, from a paper which he had drawn out, what was the condition of the Assembly of Jamaica, with regard to its financial functions, as compared with the legislative body of Canada. He thought this comparison would show their Lordships the anomalous position of the Assembly of Jamaica still more clearly than the statements he had already made, and would satisfy them to how great an extent the powers of the Jamaica Assembly exceeded those of the Legislature of Canada—a colony which had frequently been referred to in that House as one of the freest under our rule. He contrasted the different systems which prevailed in Canada and Jamaica. In Canada all money Bills originated with the Government; other Bills might originate in the Assembly. In Jamaica all Bills originated in the Assembly. In Canada there was responsible government, and the Executive had seats in the Assembly; in Jamaica the Governor had no organ in the Assembly; and though the members of the Executive were not absolutely ineligible for election, practically they were excluded; and even if they were admitted, they had no recognised position there as representing the Government, and could not in that capacity originate measures. In Canada many Bills might be originated in the Assembly by message from the Governor; in Jamaica they could only be initiated by votes of the Assembly. In Canada the principal revenue Acts were permanent, and there was a Consolidated Fund, as in this country; in Jamaica the principal revenue Acts were annual. In Canada the civil list was fixed by the Union Act; in Jamaica none of the establishments rested upon any permanent enactment, but the salaries were by the Assembly directed to be paid out of unappropriated funds in the receiver's hands. In Canada the Consolidated Fund was charged with the expense of collection, and there was a receiver general and inspector general of revenue appointed by the Governor—often (as now) leading Members of the Government; in Jamaica the whole Assembly, as commissioners of public accounts, had the control of the expenditure, and without their authority the receiver general could not make any payment, a small sum of 6,000*l.* a year being the sole permanent revenue under the control of the Executive. In Canada the municipal system was regulated by an Imperial Act (12 *Vict.*); in Jamaica local taxes were collected under annual Bills. Such was the condition of Jamaica with regard to the anomalous powers of the Assembly, as contrasted with the free colony of Canada. Their Lordships must also at once see how different were the powers claimed by the Assembly of Jamaica from those claimed and possessed by the British House of Commons. Although the House of Commons evinced the greatest jealousy of their Lordships with regard to all money Bills—so much so, that he believed if, the other night, an alteration proposed in the Income Tax Bill by a noble Friend of his who was not now present had been carried, the inevitable consequence would have been, that the Bill would have been rejected on its return to the other House—yet, although the rules of the House of Commons were so rigid in this respect, he believed it was never considered by that House that it was one of its privileges, or a privilege it had ever attempted to obtain or to exercise, to interfere with the executive power of the Crown in the expenditure of money voted by the House of Commons. In fact, the Assembly of Jamaica exercised the functions of three bodies in this country—the House of Commons, the Executive Government, and the Board of Audit. The House of Commons in this country voted the public money; the Executive Government provided for its appropriation; and the Audit Board, which, so far as the public accounts were concerned, was an authority controlling the Government itself, possessed a power which was exercised with the greatest possible regard to economy and accuracy. In Jamaica, however, all these powers were exercised by the Assembly, which was, in fact, neither more nor less than an oligarchy. He wished to avoid saying anything which would at all engender any additional ill-feeling between those bodies in the colony, which were sufficiently embittered at the present moment. Her Majesty's Government were anxious to deal with principles and not with persons, and, if possible, to obtain an amendment of the system, instead of condemning those who were at present exercising functions which, in the opinion of the Government, ought not to belong to them. He would, therefore, say nothing with reference to the exercise of these powers by the present or any previous Assembly, but he would proceed at once to state the events which had brought matters to their present condition. He believed he might truly say that the quarrel which had arrived at its present point had been carried on to a greater or less extent, and under somewhat varying circumstances from time to time, for the last thirty years. On the 10th of March last, as their Lordships would see from the papers he was about to lay on the table, a Bill was sent up by the Assembly of Jamaica to the Legislative Council for the reduction of the salaries and stipends of the civil and ecclesiastical establishments. This measure paid no regard whatever to existing and vested interests, but proposed to reduce all salaries, from the highest to the lowest, by 20 per cent, without any reference to the duties performed. The Executive Council felt they could not agree to such a measure, and on the 23rd of March it was rejected by the Council. He would not occupy their Lordships' time by a long and uninteresting account of the disputes which ensued; but, as Sir C. Grey entered very fully into the circumstances in the papers he was about to lay on the table, he would only give the merest outline of the facts:—On the 31st of March, in consequence of the rejection of this measure by the Executive Council, the Assembly passed certain Resolutions, and shortly afterwards they agreed to the Annual Import Duties Bill, to continue the Act which would expire in the month of April; but this measure was clogged by restrictions with regard to the appropriation of the money to be raised which would have carried out, though in another form, precisely the same object with respect to salaries which they had attempted to effect by the Retrenchment Bill, which had been rejected a few days before. The Import Duties Bill was, therefore, for the same reason, rejected by the Executive Council. On the 19th of April, finding that there was no chance of any accord between the Assembly and the Executive Council, the Governor prorogued the Assembly for a short time, in the hope that the interval might give them time for reflection, which would result in the establishment of more harmonious feeling and action. The Assembly met again on the 25th of April, and they took the immediate step of introducing a Rum Duty Bill for the continuance of the rum duties, which were then about to expire; but they clogged the measure with precisely the same restrictions and conditions which they had previously introduced in the Import Duties Bill. Of course the same fate attended that measure, which was rejected by the Executive Council; and on the 30th of April the existing Import Duties Act and the Rum Duty Act both expired. Their Lordships would understand, from what he had before stated, what an enormous proportion of the revenue of Jamaica was derived from those taxes. In consequence of the expiration of the Import Duties and Rum Duty Acts, the revenue of Jamaica had practically ceased, and, with the exception of some small items, no revenue had been collected since the 30th of April. He thought it might be fairly presumed that by the conduct of the Assembly nearly 1,000*l.* a day was being lost to the revenue of the island, to say nothing of the loss which might result in future from the introduction, duty free, of a much larger quantity of articles than were required for present consumption in the island, but which would, of course, remain in stock.

The Governor again prorogued the Assembly until the 17th of May, when certain votes were passed by the Assembly declaring that they would hold no communication and transact no business with the Executive Council. Some very angry communications passed between the Governor and the Assembly, and the Assembly adjourned to the 26th of May, the date of the last despatch of Sir C. Grey. Her Majesty's Government were not, of course, aware, whether, after that adjournment, the same course had been pursued by the Assembly, or whether they had yielded on any points; but he certainly could not hold out any strong expectation, after the statements made by the Governor, that the latter contingency was likely to occur. They might, however, expect to hear the result in a day or two from the present time. He had already intimated that the immediate subjects of these dissensions were principally the salaries of the high judicial functionaries, and other public officers; and the quarrel, as was well known to several noble Lords who were present, was by no means a new one. He certainly was prepared to admit, that, looking at the present circumstances of the island, the judicial as well as other establishments might require revision; and, occupying the position which he (the Duke of Newcastle) had the honour to fill, he would be ready to afford any assistance in his power, by every fair and legitimate mode, towards carrying out the most desirable object of reforming and remodelling the establishments of the island, and placing them on a scale more commensurate with its wants, and—he regretted to say—with its present depressed condition. The question which had arisen, however, was not one as to the recognition of the need of retrenchments, but as to the mode in which those retrenchments should be effected. He considered that the system existing in Jamaica with regard to the judicial salaries, which depended upon an annual vote of the Legislative Assembly, was most objectionable. In Canada the appointments and emoluments of the judges were regulated by permanent Acts; but in Jamaica the Assembly possessed the strange and inconvenient power of voting the taxes from year to year, which allowed practically the withdrawal of the salaries, although the amount of the salaries was nominally fixed. Now, both he (the Duke of Newcastle), and those who had held high office in Jamaica, and those who had preceded him in the office he had now the honour to hold, had equally felt that the public faith was involved in this question, and that it was not right to place at the mercy of a popular Legislative Assembly men who had abandoned, in many instances, a lucrative profession in this country, and had devoted themselves to the public service in Jamaica, where, he believed, there was this peculiar regulation—that the judges and other functionaries had no claim to pensions even after any period of service; added to which, it was impossible to forget that there were other colonies in the same position in the West Indies; and if it were once admitted that the salaries of existing judicial functionaries could be cut down to any scale the Assembly might think proper, there was nothing to prevent them from carrying on similar operations, from time to time, to any extent; and, in addition to all the evils with which Jamaica was afflicted, it would be unfortunate, indeed, for her if they were aggravated by the degradation and disorganisation of the judicial establishments. He had already stated that some communications, which were given in the papers he was about to lay on the table, had passed between the Governor of Jamaica and the Legislative Assembly; and he thought it right to say, that the explanations given by the Governor with regard to his Message to the Assembly considerably modified the impression produced upon the public mind by the representations which had been given of that Message. It had been considered that the Governor had threatened the Assembly with two additional evils—the abolition of the police, and the opening of the prisons. He (the Duke of Newcastle) must say, he regretted the language in which that Message was couched, but it should be considered that there was great reason for irritation in the Address to which the Message was an answer. The Governor stated to him that he had not used any threat, but that he considered he was acting prudently and with a due regard to economy, not by threatening to dismiss the police, but by explaining that the police themselves would be relieved from their functions under the existing Act, and by making provision for relieving the colony from the heavy weight of the prison establishment by introducing something like a ticket-of-leave system. There was, however, no concealing the fact that at the present moment the island of Jamaica was brought, with regard to revenue, to what was commonly called a dead lock. Now, what was the remedy proposed for this state of things? He (the Duke of Newcastle) would inform their Lordships what were the recommendations of the Governor of Jamaica himself. Sir C. Grey suggested, first, that an Act similar to that of 1839 should be immediately obtained; and, secondly, that a Commission should be issued to such persons as Her Majesty's Government might think fit, to frame any temporary ordinances which the circumstances of the case might seem to require, with a power either to bring such ordinances into operation, with the assent of the Governor and Council, subject to disallowance by Her Majesty in Council, or merely to submit the ordinances to the Privy Council in England and to Parliament. That was the proposal of the Governor; but it had been also suggested by persons in this country that Jamaica should be constituted a Crown colony. Her Majesty's Government had considered, with the respect due to the opinion of the Governor of Jamaica, the suggestions which he had made, and also the recommendations which had proceeded from other quarters; but they had come to the conclusion, that, lamentable as was the state of the colony, and little likely as it appeared at present that there would be any pacific solution of existing difficulties by any wholesome action of public opinion, yet that there was not cause for such intervention as was recommended either by the Governor of Jamaica, or by the gentlemen to whom he had before referred. Her Majesty's Government felt that it was not right, until the very last extremity, to call upon Parliament to interfere to settle matters for which the Colonial Government itself and the people of Jamaica ought easily to find a solution. Without saying what might be advisable hereafter, if, the trial of milder measures and the attempts of a new Governor failing, it should be requisite to come to Parliament for any increased powers, he would only express his hope and his confident belief that such a course would not be necessary. Without prejudging such an event, he would only say that the deliberate opinion of Her Majesty's Government was, that they would not be justified either in adopting the recommendations of the Governor of Jamaica, or following out the suggestions made by the gentlemen connected with the island to whom he had referred. The Government proposed to send out a new Governor to the island. He (the Duke of Newcastle) thought it right to state, that this was no party triumph on the part of the Assembly, or of any other body with whom the Governor had had differences. Sir C. Grey had completed the period of his government on the 21st of December last, and he received nearly a year ago from the late Government, an intimation that, so soon as the usual period of a colonial governorship—namely, six years—had expired, he would be relieved from his governorship, and replaced by another officer from home. He had no doubt that that intention would have been carried into effect if the late Government had continued in office. He (the Duke of Newcastle) succeeded Sir John Pakington in the Colonial Office a few days after the expiry of the term of six years which Sir C. Grey had completed in the colony; but he need hardly say that it was not until a short time afterwards that he was made acquainted with the fact that the period of that officer's service had expired. As soon, however, as he learnt it, he turned his attention to the question as to whether it was desirable to carry out immediately the intention which had been expressed to Sir C. Grey; and, finding that the colonial Assembly was sitting, and that the Session was somewhat advanced, and hoping, as he had reason to do from a despatch which he had received from Sir C. Grey, that the session would be brought to an early termination without those difficulties which had since arisen, he considered it desirable that the session should be completed before a change of Governor took place, rather than that a new Governor should enter upon his functions in the middle of a session. It was for this reason that the Government determined to wait till nearly the close of the session which was then going on, before appointing a successor to Sir C. Grey; but, finding that that was now hopeless, and that difficulties had arisen which would probably require that the Assembly should sit, with short intervals of prorogation, until some solution of those difficulties should be found, the Government had determined at once to relieve Sir C. Grey from his duties; and he had the pleasure of informing their Lordships that he had recommended to Her Majesty, and that Her Majesty had been graciously pleased to approve of the recommendation, to appoint Mr. Barkly, the present Governor of Guiana, to succeed Sir C. Grey in Jamaica. Mr. Barkly had arrived in this country only a few days before on leave of absence from Guiana; and he (the Duke of Newcastle) felt sure, that if no other step but this had been taken by the Government—considering the character which Mr. Barkly had earned for himself under circumstances of great difficulty in the government of the colony he was just quitting, it would afford a great security to their Lordships that there was one main element of success at all events in the attempt to settle the present difficulties, by obtaining the services of Mr. Barkly for that difficult and important task. Mr. Barkly would proceed to Jamaica with instructions from the Government to take every legitimate means in his power for bringing the expenditure of Jamaica into a condition, as regarded both its character and amount, in conformity with the necessities of the island, and with its financial means. And here he wished at once to state that, when he saw Mr. Barkly for the purpose of proposing to him that he should quit Guiana and proceed to Jamaica—a task which he was bound to say Mr. Barkly felt no particular or personal desire to enter on, but which he at once said if public duty called upon him he should not hesitate to undertake—when he saw Mr. Barkly for the purpose of making that proposal to him, Mr. Barkly, seeing that retrenchment and economy must be among the earliest measures to be set about the moment he arrived in the island, said at once, before he (the Duke of Newcastle) had an opportunity of speaking to him on the subject of salaries, that retrenchment must begin with the Governor, and that he hoped it was meant to propose that the salary of the Governor of Jamaica, which had hitherto been 6,000*l.* a year, should be reduced to 5,000*l.* in his (Mr. Barkly's) person. Now, this undoubtedly met the view of the Government; but he should be wanting in fairness to Mr. Barkly if he did not state that he proposed it to him first, before he (the Duke of Newcastle) had had an opportunity of suggesting it to him. It was right that he should further state, that it was not until recently that the salary of the Governor of Jamaica had been so low as 6,000*l.* It had been up to a very recent period not much less than 8,000*l.*; but the fees which had raised it to that amount having been abandoned, it was at present 6,000*l.*, and would, as he had said, be further reduced to 5,000*l.* This salary of 6,000*l.* was made up in the following manner:—1,500*l.* was paid out of a fixed sum called the Council Fund, and did not come into the category of the annual Bills which he had referred to. The remainder of the salary was made up, like all the other salaries in the island, by the annual votes and appropriations of the Assembly. The Government had felt it was desirable on more accounts than one, that, with the duties before him, the difficult, and in many respects the irksome and invidious, duties which Mr. Barkly would have to perform, he should be at once relieved from the painful position of being dependent upon a vote of the Assembly for any part of his salary. He (the Duke of Newcastle) trusted that Mr. Barkly would be enabled to induce the Assembly to place all the other salaries of the functionaries of the island on a permanent footing; but with this view, as well as with a view to some other small measures of pecuniary relief to which he would advert, the Government proposed, as regarded the sum heretofore voted by the Assembly, that for the next three years the Parliament of this country should vote the sum of 3,500*l.* a year, which, with the sum of 1,500*l.* to which he had referred, would make the Governor's salary up to 5,000. Their Lordships were aware that it had been frequently discussed whether it was not desirable, on general principles, that the whole of the colonial governors should be paid from funds in this country. He should not then express any opinion on that subject, which was of a very much larger character than might at first sight appear. He should not even enter upon the discussion of the question as to whether it might be right that Jamaica itself should be an exceptional case, and that the salary of the Governor should be permanently paid by this country. All that the Government asked the House of Commons to do was, that for three years, with a view to some permanent arrangement hereafter, the salary of the Governor should be paid out of the public funds of this country. He had already said that the Government were willing that the salaries of the judges and other public officers of the island should be revised; but instructions would be given to the new Governor that he should adhere to sound maxims of public faith, and not place the functionaries of the island in the position which he had already referred to in terms of condemnation. But there was another object which the Government had in view besides the reduction of salaries, whereby a considerable saving might be effected. The officers themselves were more numerous than was required; and a reduction of the number of officers, as well as a prospective reduction of the amount of salaries, was extremely desirable. But there had hitherto been a great difficulty in dealing with this matter, from there being no funds at the disposal of the Assembly to pay compensation to retiring officers, unless from the general revenues of the island, which were barely sufficient for its current expenditure. He believed, however, that with reference to the proposed abolition of offices, an arrangement might easily be effected by which some of those who now held office would be induced to retire upon receiving a compensation amounting to something like two or three years' purchase of their offices. The question then was, as to how this could be effected. But, before he adverted to that, he begged to refer to the condition of the island debt. The island debt amounted at this moment to something like 700,000*l.* But this comprehended the loans from this country—he did not mean the emigration loans, but the loans previously granted, and amounting to 160,000*l.* The debt, therefore, might be said to exceed 500,000*l.* Upon this debt, in consequence of the financial condition of the island, interest was paid at the rate of 6 per cent. The Government proposed that, on certain conditions to which he should presently refer, the credit of this country should be lent to the island to enable them to pay this debt of 500,000*l.* This loan, he thought, could be raised at about 3 per cent. The result would be, that upon this debt there would be an immediate saving effected of 15,000*l.* a year. He apprehended that however that might be convenient as an appropriation, nevertheless it would be an improvident use to make of it. The Government proposed that a portion of this should be set apart as a sinking fund, so that while there should still be an annual saving to the island of about 5,000*l.* or 6,000*l.* a year, there should be a sinking fund set apart which would pay the debt in about thirty years. The Government proposed that, with the view to the abolition of the offices to which he had referred, the credit of this country should be further extended to the island to a limited amount—that was to say, if the island chose to borrow, say 50,000*l.*, which would enable them at once to abolish these offices, and grant compensation to the holders in the way he had suggested. He had intended to lay before their Lordships in distinct figures the expected amount of saving; but, on consideration, he had purposely abstained from doing so, inasmuch as the proposals had yet to be offered to the island; and he thought it the wisest course to leave the details to be arranged by the Governor, with the Council and Assembly of the island, rather than by saying anything which might operate as a restriction upon their discretion in the matter. At the same time, he thought it right that their Lordships and the other House of Parliament should be made aware, generally, of what the Government intended to propose. He had already told their Lordships that the offer to the Colonial Legislature would, of course, be accompanied by certain conditions. However desirable it might be that there should be other and more extensive changes in the consitution of the island, their Lordships would at once perceive, that if the credit of this country was to be lent to the island of Jamaica, the Government had a fair claim to call upon them to place their finances in such a condition as to render the guarantee practically nominal as regarded this country, though practically real as regarded the advantage to the colony. The conditions which, speaking generally, the Government proposed, were these—to instruct the Governor to endeavour to obtain from the Assembly the abandonment of the anomalous position which they occupied in connexion with their finances; to secure the permanent voting of taxes in the same sense in which they were voted in this country and in other colonies; to obtain the placing of the finances under proper restrictions, and the management of paid officers; to secure the proper auditing of accounts, and other financial changes which had been indicated in the previous part of his statement. He did not mean to say that other changes were not very desirable; and he did not doubt that before long other changes would be undertaken, and possibly carried out by the energy and zeal of the new Governor, in conjunction, he hoped, with a co-operating Assembly. But he thought that, before any other plan suggested by the colony could be entertained by the Governor, and before any other assistance, such, for instance, as further loans for emigration, which had been frequently proposed both by the Assembly in Jamaica, and by their representatives in this country, and by gentlemen interested in the welfare of the island—before this purpose could be entertained, without prejudging the question if it should be raised, it would be absolutely necessary that those financial changes should be made to which he had alluded; for the Government felt that it would neither benefit the inhabitants of Jamaica, nor any of those concerned in its prosperity, to lend the security of this country for any further sums of money for other purposes till these questions were settled. He did not, however, preclude himself from proposing other measures of assistance to the island in its present depressed condition; but he thought the changes to which he had alluded must precede not only any decisions of Government on such points, but even the entertainment of any proposals with regard to them. He had said that he thought other reforms were necessary, and that he hoped they would be carried out before long by the island. He had already pointed out to their Lordships how in many respects the Assembly required self-reform. He was by no means anxious to conceal that the Executive Council still stood in need of considerable amendment. He did not intend any disrespect to the individuals composing that body, but he thought it desirable that they should be brought into more harmonious action with the Legislative Assembly. The noble Earl (Earl Grey), who had so long occupied the position which he (the Duke of Newcastle) had now the honour to fill, received at one time communications on the subject of responsible government in Jamaica, on the plan of the Canadian system. His noble Friend recognised the wisdom of adopting some such plan, and expressed his willingness to consider it, if proposed in a proper manner by the Legislative Assembly. He (the Duke of Newcastle) could not but look upon the introduction of that system as one which would eventually lead to an effectual cure of many of the evils under which Jamaica was now suffering. He would not, however, pledge himself to all the details of the Canadian system. On the contrary, he believed that it would require considerable modification when applied to the different circumstances of Jamaica. But he was speaking of what was called by the general name of "responsible government," which he believed would be a right and effective remedy for many of the evils which at present existed in Jamaica. He believed that when once they conferred upon any body of men—though he admitted the case was not so clear as where it was a more homogeneous and larger body—representative institutions, they had in reality by that Act given powers which practically, and before very long, must lead to responsible government. He said so for this reason, that in every instance they had seen among the more thriving possessions of this country that representative institutions without responsible government were apt to engender the evils under which Jamaica was suffering; where there were representative institutions, that body soon after its establishment was apt to encroach upon the executive functions, and it was only by being brought into a fair and well-understood position with the executive that that tendency was checked. He did not now wish to express an opinion whether this end should be sought in Jamaica by the introduction of responsible government, or by giving to the Governor such a representation by official Members in the Assembly as would introduce the system in a modified form—such Members to be removable from office by him, but not by an adverse vote, as in Canada and in other colonies. At present he would not allude further to the practical evils in Jamaica, arising out of the existing form of representative government. He ventured to hope that both the Executive Council of Jamaica and the House of Assembly—the government of that country, and those who were connected with the island of Jamaica by property—would see that it behoved them at the eleventh hour to make a great effort, in conjunction with the Governor sent out by the Crown, to place upon a better footing those institutions which had already engendered so much dissension and dissatisfaction in that colony. He said "the eleventh hour," because some few years ago the planting interest was paramount in the Assembly of Jamaica; but their power was now rapidly decreasing, and they must look forward, in the natural course of things, to see the coloured and black population assume in the representative body a much larger and greater power than they had heretofore possessed. Therefore it was the more incumbent, for all the interests in the colony, for the sake of the happiness and prosperity of the population, both white and coloured, that a sound system should be introduced, rather than the anomalous constitution to which he had referred. He would not trouble their Lordships further, but would conclude with presenting the papers to their Lordships.

He begged to apologise for having trespassed further than he intended; also for the imperfect manner in which he had placed the question before them. It was, however, desirable that they should be informed as to the state of Jamaica, and also as to the views entertained by the Government in regard to the only mode in which these difficulties ought to be met. He begged to express an earnest hope that what was about to be done would lead to harmony in that island, and eventually to a better state of government; and he would sit down earnestly trusting that if he was followed by anybody on the present occasion they would not enter into controversial topics upon the state of the island of Jamaica, but that they would abstain from anything that would have the effect of embittering the feeling that at present prevailed.

The EARL of DERBY: My Lords, I conceive that not only on the grounds stated by the noble Duke in his concluding observations, but also because we have not before us the papers he has alluded to, nor, indeed, a considerable portion of the information which is necessary to guide our judgment, that it would be premature to enter into any discussion on the details of the course the Government propose to pursue, and still more into any discussion as to the causes which have brought the island of Jamaica into its present state of distress, and the nature of the remedy to be applied; but I think it right to state that, so far as I can understand the course to be parsued by the Government, from the clear and conclusive statement of the noble Duke opposite, so far from finding fault with it, it resembles, in a great measure, and in all the essential particulars, the course which suggested itself to the minds of the members of the late Government, who thought it would be necessary, at an early period, to call the attention of Parliament to the state of Jamaica. Undoubtedly the state of feeling which had arisen in the island would have led the late Government, if no other cause had existed, upon the expiration of the usual period of office, to have relieved Sir Charles Grey from his duties, and to endeavour to repair the disorders of the colony through the instrumentality of a new governor. I have much pleasure in listening to the announcement of the noble Duke, of the selection of Mr. Barkly for the new Governor of Jamaica, and I have reason to believe that the ability and discretion of that gentleman, and his long experience in West Indian affairs, will make him a proper instrument, if one can be found, of effecting that reconciliation—if I may so—between the different classes of the island, so absolutely necessary for the restoration of prosperity to the colony. I confess that, in speaking of Mr. Barkly, I could have desired that some course had been taken by Her Majesty's Government rather to make the new appointment of a more exceptional character than it has thought proper to propose. I would have preferred, in making this new selection, considering the task which he is to undertake, that Mr. Barkly should have gone out in the character of a Commissioner rather than as a mere Governor—at all events, that he should have been invested with powers to examine into and report upon the condition of the island; and I would not have wished that he should be sent as a simple Governor, but as an officer invested with power to place the colony on such a footing that it might be subjected to the authority of the Government in a regular and legal manner. I also think that, in adopting that course, the Government might usefully have granted to Mr. Barkly a higher salary than that which it might be deemed expedient to give to ordinary governors hereafter. The noble Duke has stated that so much have the revenues of the island fallen off, that very extensive reductions must take place, not only in the Governor's, but in other salaries; and has also stated that Mr. Barkly very liberally insisted, of his own accord, that the reductions should commence with the head of the administration. The reduction effected in the salary of the head of the administration must, no doubt, be looked upon as the key-note of all other reductions, and as fixing the scale and extent of reductions in the general establishment; but I am afraid that the 5,000*l.* proposed to be given to the Governor of Jamaica—although it may not be too much for a person like Mr. Barkly, who has occupied the position which he has filled—but I cannot help thinking that 5,000*l.*, in the present reduced state of the finances of Jamaica. is a higher amount than it is expedient to attach to the office; and I think that a greater retrenchment than a reduction from 6,000*l.* to 5,000*l.* would have facilitated the task of retrenchment among the other officers and establishments of the colony. I hope, also, that I understand the noble Duke correctly to say that the proffers of assistance in every shape, whether for limited periods or otherwise, from the funds of this country—upon which, at present, I give no opinion—I hope that the advances to Jamaica are to be made contingent upon the colony placing its financial affairs in such a position as would satisfy this country that the revenues of the colony would be able to meet, not only the ordinary expenditure of the island, but to provide for the payment of the interest, and, at a proper time, of the principal, of the sums to be advanced. I know that many applications were made by the colony during the late Administration, and, I dare say, also under preceding Administrations, for additional loans; and, certainly, I may say we felt it our duty to abstain from replying to those applications, as we found that not only had no portion of former loans been repaid, but that the colony, in its present state of finance, was incapable of meeting the ordinary interest of loans which had been previously made, and was not in a condition to warrant any further loan being granted, without throwing away the money of this country, and deluding the colony with false hopes of continual relief. No man can feel more deeply than I do for the distressed condition of Jamaica, and the suffering entailed upon many of its inhabitants by acts for which the greater portion of them are not responsible; but I say that it would have been no kindness to make fresh advances and fresh loans, which might have encouraged additional expenditure, instead of leading them to contract their expenditure and economise their resources, as we should do, by withholding from them the dangerous facility of getting loans guaranteed by this country. If the colony will place its finances in a sound condition, and its government upon a sound footing, and take steps to place before the governing body of that colony an annual account of its wants and resources, and, above all, to place in the hands of the Executive the sole and absolute power of originating all money grants—if such steps are taken, and if the House of Assembly is prepared to surrender some of these anomalous powers which they now exercise with a most injurious effect upon the interests of the colony, I should be far from disinclined to afford to the colony that assistance which the noble Duke proposes, in regard to giving the guarantee of this country to enable them to raise money at a lower rate of interest than that which they are now paying. I concur with the noble Duke in thinking that the savings proposed to be made ought not to be applied to the mere present wants of the colony; but should, in part, be set aside to form a sinking fund, by means of which a diminution in the present debt may be effected. I do not know whether an account of the present state of the finances of Jamaica forms any portion of the papers which are to be laid upon the table; but I think it forms a most important element for the consideration of Parliament when Parliament is called upon, as it must be, to consider the whole question of the affairs of this island. I think it would be very satisfactory, too, if, at the same time that the Government informs us of the sum assigned to the new Governor with certain instructions, it would also lay before the House such instructions as they had deemed it necessary to give, together with an account of the state of the revenue, and the financial condition of Jamaica, and what was considered to be necessary to be done to place them upon a better footing. I will not enter into a discussion upon the subject which formed the latter portion of the noble Duke's speech—the effect of what he called "responsible government" in a colony so circumstanced. That colony, as he has said, presents considerable difficulties to the adoption of the representative system; but I do not hold that, with regard to colonies generally, the term responsible government has the same meaning as representative government. I doubt whether in such a colony as Jamaica, composed as its inhabitants are of different races, possessing different habits and different feelings, in admitting the representative system you will not be creating an Assembly devoted to the interests of one or other of the various classes of the island, and not an Assembly of all working together harmoniously for the general welfare. I am inclined to think that the noble Duke will find, whether the representative system in Jamaica can be improved or not, that responsible government cannot be advantageously introduced there; and I hope that forms no part of the scheme which it is intended the new Governor should work out. In that part of the plan spoken of as remodelling the power of the Assembly, and placing the finances upon a sounder footing, giving the Governor—not additional power in the House of Assembly, for he has none, not even in Canada—I hope the inquiries of the new Governor will be limited to that part of the constitution of Jamaica which relates to the constitution of the House of Assembly, and the financial powers of that body; and that any ulterior changes in its constitution will be postponed until it can be taken into consideration with more advantage, at a time when less heated feelings prevail, and less asperity is exhibited. I earnestly hope there may be sufficient good sense in the colony to lead them to adopt such amendments in their system as are necessary to afford them any chance of restoring the island to its former prosperity; and I should be sorry to anticipate the necessity of any interference by Parliament, in consequence of the refusal of the House of Assembly to take such steps; but it will be impossible for Parliament to allow the colony to remain as it is, with all the business of Government at a dead lock. I do trust that Her Majesty's Government will impress upon the Governor and the legislative body of Jamaica, that while this country is disposed to do all in its power to relieve the financial difficulties of the colony, and to agree in such measures of change as the altered circumstances of the colony render necessary; yet it is impossible that Parliament can abstain from interfering with its authority if it should be necessary to terminate the state of things now existing there. If the colony wishes to be assisted by this country, it must be ready and willing to assist itself. The House of Assembly must part with some portion of the privileges which they exercise, not for their own benefit, and which they cannot continue to hold with advantage to the colony. Upon these conditions only the Government of this country should be willing to come forward and afford to the colony the advantage of the credit and pecuniary assistance of the mother country. I sympathise with the House of Assembly in its desire to effect considerable retrenchment in the expense of its establishments; and I think it is a matter of regret—although I am not disposed to violate the faith of the Crown in regard to individuals — that there have not been greater indications, on the part of individuals themselves, to meet the difficulties in which the colony is notoriously placed, and to make some sacrifice of extreme right to meet the Assembly in its desire to reduce the extravagant establishments too great for its crippled revenue. I do not think the House of Assembly altogether to blame, although I think that House did not take its measures in a mode and spirit likely to obtain the concurrence of the other party; but I cannot help thinking that there might have been, upon the part of the Council and the authorities of the colony, a greater disposition shown to meet the reasonable views of the Assembly in this respect. As to the mode in which the finances are now arranged, and the inconveniences of annual bills, I entirely concur with the noble Duke in the opinion he has expressed upon that point. The present is a crisis in the affairs of Jamaica; and, unless the colonial Government deal with that crisis as they ought, I think that Parliament ought to take the opportunity of remedying, by its authority, a state of things which it is impossible to permit to continue without inflicting serious permanent injury and inconvenience to the colony, and to every interest concerned.

EARL GREY concurred generally in what had fallen from the noble Earl opposite (the Earl of Derby) upon the subject of what was called "responsible government." He could not help feeling, from various indications which he had seen, that there was too great a readiness on the part of many persons to believe that "representative government" in a colony necessarily implied what was called "responsible government." He should remind those who entertained that opinion that responsible government, in the sense in which it was now understood in Canada and other places, was, as the noble Earl had justly stated, neither more nor less than party government. Party government, such as we had in England, was probably, upon the whole, in a great country like this, with a large and enlightened population, the most perfect system of government that had yet been tried; though even here, as we well knew by experience, its advantages were by no means unattended with very serious drawbacks; but he could not help remarking that in no other country in the world had that system of Parliamentary government to which we were accustomed succeeded for any number of years. It had been twice tried in France, and in both cases after a few years had led to catastrophes; he referred to the revolutions of 1830 and 1848; while, so far as our own Colonies were concerned, it was utterly unknown there until 1840. Representative constitutions of a different kind had succeeded in those flourishing provinces which now constituted the United States; without anything at all of the nature of what was called responsible government, they did enjoy all the substantial advantages of representative institutions.

He believed it was perfectly possible to continue such a system; but he was persuaded that if they endeavoured to establish that which was called responsible government prematurely in a colony where the state of society was not suited for it, they would inflict upon it irreparable mischief. As compared, however, with the present anomalous state of government which existed in Jamaica, even the establishment of party government would be an infinite gain, for he could conceive scarcely any change that would not be an improvement upon the present system. Still, he must say, when he looked at what the colony was, and what it was likely to be for some years to come, that, in his opinion, he would be a bold man who ventured to recommend responsible government in the sense in which it was proposed for Jamaica, without any check or control. Let the House consider for a moment the position of that island. The present constituency who voted for the return of members to the Assembly was stated not to exceed 3,000 persons, out of a population of 400,000. Those 3,000 persons were under the influence, to a great extent, of the white inhabitants of Jamaica, and those white inhabitants were in this anomalous position—that a very large proportion of them did not contemplate a permanent residence in the colony. Every Governor in Jamaica had found that to be a great difficulty. In most colonies those who possessed the prevailing and predominant interest, the Legislature, were persons whose own welfare and interests were bound up with the country in which they were residing. That was not the case in Jamaica. The paramount influence in the Assembly had hitherto really been wielded by the overseers and attorneys of the estates of absent proprietors, and a certain number of merchants, who did not contemplate a permanent residence in the colony. The consequence was, that there was an interest created that was quite distinct from the permanent interest of the colony; and he could not help believing that to that very peculiar and anomalous circumstance much of the existing state of affairs was to be attributed. He had frequently heard proprietors in this country complain that they could not influence their own servants to take the course which they believed to be best for the permanent interests of the colony. At present, the power was practically in the hands of that small minority; but since slavery had been abolished, and the negroes, however slowly, were accumulating property, there was nothing to prevent the coloured population acquiring such an amount of influence as would give them an ascendancy in the election of members of the Assembly. He knew, from conversations which he had had with persons well acquainted with the colony, that they believed that the time when the coloured races would possess an ascendancy in the Assembly was rapidly approaching. When it was considered how short a time these races had emerged from slavery, and how little progress education had made among them, he could not admit the safety of throwing, with comparatively little check or restraint, the whole power of the Executive and of the Legislature into the hands of a mere numerical majority of that population. Yet, if they were not very cautious, that would be the inevitable result of establishing responsible government in Jamaica, and it was a step, therefore, which ought not to be taken without very great consideration. He was sorry to hear from the noble Earl opposite the expression of his regret that there had not been a more ready consent to accept large reductions in salaries, because his conviction was that true economy in Jamaica was not to be sought in a reduction of salaries, but in taking care that the persons employed were the best qualified for their situations—that the offices were well administered—and that there was a general system of economy in the management of the government. He did not believe that the salaries at present were on a higher scale than was required; and, therefore, he greatly regretted that anything should have fallen from the noble Earl to encourage the feeling which prevailed too much in the island in favour of cutting down the salaries of the public servants in a manner calculated to prevent men of intelligence in this country from accepting employment in Jamaica. To do this, in the present state of the colony, would be to impose a fatal check upon the restoration of its prosperity. One of the most important classes of persons in that colony—a class answering somewhat to the Judges of our County Courts, or perhaps even higher—was the Chairmen of Quarter Sessions. They held offices of the very greatest importance in the judicial administration of the island, which had been created by a Colonial Act passed by the local Legislature only a few years ago. The persons to whom these offices were entrusted were sent from the mother country; great pains had been taken in their selection, and their salary was 1,500*l.* a year. Now, looking at all the privations of a residence in a tropical climate, and the fact that they had no retiring pensions, he very much doubted whether we could get really fit men for such an appointment at a much lower rate. He was quite sure that if the salaries of men who, on the faith of an Act of Parliament, had sacrificed all their professional prospects here, were reduced without their consent, it would be such an injustice as would almost prevent the colony from ever obtaining the services of able men hereafter. He was prepared, no matter how unpopular the doctrine was, to declare that the scale of salaries was not too high in Jamaica, and that the whole amount of them was really hardly worth talking of when compared to the sums lavished in the grossest jobbery and extravagance in the colony. There was no use in disguising the matter—it was utterly impossible to look at the expenditure without seeing that such was the case. He did not impute corruption to any one; but it was impossible, when some forty or fifty gentlemen, none of whom was individually responsible for what was done, had the management of the finances, and could carry any votes in which they had an interest, that the colonial expenditure would be managed without gross extravagance. For an efficient system of administration in Jamaica, he believed they must have, in the present state of society there, able men, well paid, sent from this country to fill the most important offices. Therefore, he could not attach the importance the noble Earl appeared to give it to the reduction of official salaries; but so long as good faith was not infringed, he quite concurred with him in thinking that it ought to be left to the Legislature of the island to fix the amount of salaries, even if they fixed them at too low a rate. This was a question on which, though it might make mistakes, the local Legislature should decide, and not we. There was one other point he wished to advert to. The noble Earl said he wished it had been proposed to send out Mr. Barkly, not as Governor but as Commissioner. He did not agree in this opinion; he thought it was of the highest importance that Mr. Barkly should go out holding the acknowledged and well-known powers of government as the representative of the Crown; but he concurred with the noble Earl that the present circumstances of Jamaica were so peculiar, there was so manifestly a crisis at hand, in which it was necessary to take some step at once, that it were to be wished some Commissioners had been sent out with Mr. Barkly; and it appeared to him to be desirable, that in sending Mr. Barkly they should have sent two or three of the ablest men they could find—one an able lawyer, to look carefully into the whole existing state of the law and government of Jamaica, and to assist the Governor and legal authorities in making the settlement which would be found to be necessary. They must remember that the whole legislation of Jamaica had grown up under a state of slavery—that it was adapted to a state of society now happily passed away—and that since slavery was abolished and freedom established, the whole condition of the colony had, unfortunately, never been considered in the large and comprehensive manner which was absolutely necessary in order to give the great change which had been effected a fair chance of working. He did not believe they could command in the island all the various knowledge and ability which was requisite to deal with that very difficult state of things. He believed they ought to have men from this country with all the knowledge of the principles of politics and of political economy which could be found here, to take a large view of the condition of Jamaica, both financial and social, and to suggest to the Legislature the changes and reforms necessary. He did not think, after all those changes had been looked into, they would be found very difficult. The real facts could be all ascertained; and he did not think able men on the spot, having the statute-book of Jamaica before them, would have any difficulty in suggesting the improvements required; and it appeared to him that, if the assistance of the Government in relieving Jamaica from the crushing load of her debt was to be afforded on certain conditions, those conditions should be, that Jamaica should adopt measures of reform such as the Commissioners might recommend, because it was impossible to conceive anything more necessary than those reforms. The system of taxation was, he thought, the least judicious for encouraging industry that could be possibly imagined—it had grown up, as it were, accidentally, under a state of slavery, and pressed heavily on the population. The whole parochial system was defective in the highest degree. The administration of the law required to be dealt with—plans should be adopted for the more prompt enforcement of claims and for the settlement of disputes, and of the rights of individuals—which was the only foundation from which good government could spring; and if they left all those matters to any Governor, however able he might be, with only such assistance as was on the spot, he would not be equal to the difficulty. The most useful service this country could afford to Jamaica would be, to give her the assistance of advisers of that kind to help those who were on the spot in devising what measures were to be brought in for her relief. If that was done, and the proper measures taken, he, for one, had not the slightest doubt of the ability of Jamaica to emerge from all her difficulties, and to raise herself from her distress. She had every natural element of riches, greatness, and prosperity. She possessed a population ignorant indeed, but well disposed—disinclined, like men of every race and in every country to labour without some adequate stimulus to exertion, but capable of great industry when it was properly called forth. She possessed a soil of great fertility, and a climate well calculated to develop the products of that soil; in short, nature had denied her nothing. She possessed everything nature could give that was required to make her great, rich, and prosperous; and all that she wanted was, that her natural advantages and resources should be called forth by judicious government and legislation. He believed that, from various circumstances, this was the time when Jamaica would be more likely to act on any advice of the kind, than she had been at any former time, and that if this crisis were properly improved, great future dangers might be averted; but if, on the other hand, the island was allowed to go on, and pass from bad to worse—if they allowed a population of negroes, ignorant and uninstructed as they were, to continue in their present state, and gradually to acquire great and uncontrolled power, he thought it was impossible to take too gloomy a view of the future prospects of Jamaica.

Viscount ST. VINCENT, as a proprietor in the island, thought it right to say, that the rapid progress of decay in the whole social state of the island appeared to him to demand something more than the mode of relief indicated by the Government. The progress of that decay was so rapid that an immediate dissolution of the whole fabric of society was imminent unless steps were at once taken to arrest it. The agriculture of Jamaica was not like that of England. Continuous labour was required for the crops in the island; and it was most important that the cultivator should be placed in a better condition for the supply of that labour than he had hitherto enjoyed. There were not sufficient inducements held out to make the labourer offer himself for work, and he believed the evil would not be stopped by all the talents of Mr. Barkly. He considered the state of the island most alarming, and he only hoped the Government might be enabled to restore its prosperity as far as possible by the measures they contemplated.

Lord WHARNCLIFFE could not at all concur in the views of the noble Earl (the Earl of Derby), either as to the present social condition, or as to the future prospects of Jamaica. The noble Earl said, Jamaica was a ruined colony, and that there was scarcely any prospect of the revival of her prosperity. His observations and experience led him to very different conclusions; and he firmly believed, that if some such changes as those alluded to by the noble Duke, and approved of by their Lordships, were adopted, and if the colony were so placed that the expenditure and revenue could be equalised —if a sufficient supply of money was obtained for some important institutions and services of the island, there was not only in her natural resources, but in the possible application of the capital and industry of the colonists, a sufficient prospect of future prosperity. But while he quite agreed that Government here should do all in their power to promote that prosperity, he must say he thought the Legislature of the island ought to take a course better calculated for that object before they asked the Government of this country to assist them. One of the most important questions that required to be looked to immediately was the condition of labour; and certainly he must say that, though he was glad to see the Government of this country doing all in their power to supply labour to the colony, yet that the colonists should take some well-considered course with their own population in this matter. From the time of the emancipation no steps had been taken to check a practice which had given rise to much of the evil experienced in respect to labour, that of selling land at low prices. When he witnessed the state of society at Jamaica, it was rather matter of astonishment to him that the proprietors obtained so much labour, than that they found it difficult to procure more. He objected to raising revenue from import duties, because it was, above all others, the thing which was likely to render the negroes independent of all labour, for it placed a check on the supply of the first necessaries of life, and placed an artificial value on the produce of the land. He had listened with great satisfaction to the general statement of the noble Duke; and thought he had taken the best course in not coming to Parliament to ask for an enactment to enable him to deal with the circumstances of the island by extended legislation. He hoped that something would be done with respect to the collection of the revenue; a reform on that point would be one of the most useful that could be made. He was sensible that it was not then the proper time for going at length into all the details of the subject, and he should therefore refrain from further observations beyond expressing his fear of the important character of the crisis in the colony.

Papers ordered to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 30, 1853.

Minutes.] New Member Sworn.—For Stroud, Edward Horsman, Esq.

New Writ.—For Liverpool, *v.* Charles Turner, Esq., and William Forbes Mackenzie, Esq., whose Elections have been declared void.

Public Bills.—1° General Board of Health (No. 2) Bill; Improvement of Towns (Ireland).

2° Government of India.

3° Leasing Powers (Ireland); Parish Vestries (No. 2).

GOVERNMENT OF INDIA BILL.

Mr. WARNER said, he believed that there were a great number of hon. Gentlemen who were willing to vote in favour of the India Bill, as there were some real improvements in it, but who were very much afraid of its being considered a final act of legislation. He wished to ask the right hon. President of the Board of Control whether, in the event of the House consenting to the second reading of the India Bill, Her Majesty's Government would be willing, in compliance with the expressed opinion of many Members of the House, to insert a clause limiting the duration of the intended Act to some certain short term of years—say two, three, or five years?

Lord JOHN RUSSELL: I beg to state, that the Government are not willing to insert any clause limiting the duration of the Act with respect to India. Of course, it will be in the power of the House, in Committee, to make any alterations; but, as far as the Government are concerned, they will not introduce such a clause.

GOVERNMENT OF INDIA BILL—ADJOURNED DEBATE—(FOURTH NIGHT).

Order read, for resuming adjourned Debate on Amendment proposed to be made to Question [23rd June], "That the Bill be now read a Second Time:"—And which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, further information is necessary, to enable Parliament to legislate with advantage for the permanent government of India; and, that, at this late period of the Session, it is inexpedient to proceed with a measure which, while it disturbs existing arrangements, cannot be considered as a final settlement," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. RICH said, that he had been early in life associated with India, and consequently felt a strong interest in the welfare of the people of that country, which induced him to take a more prominent part in the discussion than, under existing circumstances, he might otherwise have done. His right hon. Friend the First Lord of the Admiralty had put the question on its true footing, when he said that the entire system of government hitherto adopted should be judged by its fruits. To enable them, however, to form that judgment, it was their bounden duty to obtain sufficient information from authentic documents, and from the reports of the Committee that was specially appointed for that purpose. There was a fallacy that ran through the speeches of the right hon. President of the Board of Control, and, indeed, of every speaker who defended things in India as they were. This lay in assuming as special that which was general, and which necessarily would have resulted from any Government that England might have given to India. When India first came into our hands, the two great empires—the Mahratta and the Mogul—were crumbling, and their fragments waging war against each other. Surely, then, it stood to reason that whatever Government England should impose, would, by its strong arm, introduce order and security for property, and so attain many of those general benefits which were now represented as specially appertaining to government by the East India Company. No one doubted the importance of this question of Indian Government; why, then, was it not approached and treated as all important questions in this country usually were treated? The Reports of the Select Committee should have been concluded and published. Time should be afforded for their discussion in the various publications of the day, and for the formation and action of public opinion. But all this had been omitted, therefore he was decidedly in favour of further delay, unless some overruling excuse could be shown for such precipitate legislation. The advanced state of the Session, and the jaded condition of the House, already surfeited with business and recent excitement, were, without opening the wide question of India, enough to obstruct many of the important financial measures which had been so ably proposed in the comprehensive statement of the right hon. Gentleman the Chancellor of the Exchequer, and which the general interests of the country required should pass without delay. He could not but believe that the report which had been alluded to by the hon. Member for Manchester (Mr. Bright) was well founded, and that legislation for India had actually or virtually been postponed for another year, until in an evil moment some rash and wilful Members of the Government took advantage of the oft-cited, but never seen, letter of Lord Dalhousie. Now, the House ought not to lay any great stress upon this letter; for undoubtedly Lord Dalhousie merely expected some slight modification of the present system, and when he said, "Whatever the Bill may be, pass it in this Session," those words were not to be taken in a literal sense. The subject of Indian reform had sprung up and gained importance with surprising rapidity. Not four years ago, Lord Broughton, then President of the Board of Control, when asked to appoint a Select Committee upon India, stated that there was no intention of altering the then existing state of things; and this answer was received without remonstrance. When the Committee was appointed, there was even then but little whispering about reform; and it was not till after Lord Ellenborough gave his remarkable evidence that public attention was awakened. But a far greater impulse was given by the Amendment proposed to the Select Committee by the right hon. Gentleman now the First Lord of the Admiralty, who was thus the parent of the present reform movement. Inquiry, even so little far as it had gone, had elicited matters which had compelled the introduction of the present measure of reform, which, small and narrow as it was, was far from being acceptable to the Court of Directors, although they submitted to it, knowing full well if this were thrown out, the progress of public opinion would next year produce one of a very different character. He could not see any danger in delay. Reference indeed had been made to the disturbed state of China, and of Central Asia; but when were these countries not disturbed? and it was not for the House of Commons, by a fanciful and far-fetched fear, to be diverted from the sound practical course of waiting for the fullest evidence on a subject before it came to a conclusion. There was not the slightest apprehension that delay would cause any attempt or even thoughts of insurrection; but it had been said that it would weaken the Government of India. He should very much like to be told how. No one ought to diminish the power or authority of the Governor General, in whom substantially resided the sovereignty; and that would remain unimpeached, unimpeachable, by delay. The main issue lay with the Court of Directors as representatives of the East India Company. Now, he wished to speak of that body with all possible respect. No one could consider the dangers they had encountered, the laborious tasks they had accomplished, and their glorious career of victories and conquests, without feelings of admiration and respect: still these reflections must not divert our minds from the consideration of what mode of government will be most beneficial for our Indian fellow-subjects, and whether the state of that empire, both internal and external, is not such as to require a change. To many it seemed that the uses of the East India Company had almost passed away, and that its very success had undermined its power. When the Government of India was confided to the Company, it was a small English colony; now, the people subject to its rule form no inconsiderable portion of the population of the whole globe. The commerce of India had been thrown open—it was daily brought into new relationships not only with many of our own distant dependencies, but almost with all nations; it was within three weeks instead of three months of London, and being mixed up more and more intensely with Imperial questions, it should necessarily stand under the Imperial Crown. Now, would the fact of transferring the Government of India from the hands of an incorporated body of merchants to the British Crown, weaken the authority of the Governor General? Would he be less able to enforce his commands, because he was the servant of Victoria, Queen, and not of the hon. Member for Honiton (Sir J. W. Hogg)? Would the native Princes of India be less disposed to make treaties, or would native Princes adhere less to treaties, because they were made with a great Queen, instead of a great Company? The hon. Member for Rochester (Sir H. Maddock) feared, that if the present Bill were thrown out, there might arise some triumph or excitement among the natives; but even should this occur, it would be but evanescent and trifling compared to the risk of passing an offensive, exclusive, and inefficient measure. In considering the present Bill, he had been anxious to examine it with reference to the wants of India; to the shortcomings of our administration; to the fruits, as it had been said, of our Indian tree. First, he found, with regard to the Indians themselves, that they were systematically excluded from every situation of honour, trust, or emolument. Then also law was asserted to be bad in itself, and badly administered; taxation was declared to be alike injudicious and excessive; education inefficient, and public works disregarded. Such were the more prominent complaints of the present system. With regard to the Home Government, it was stated that the use of patronage had a vicious effect in the election of Directors, and that they themselves were frequently powerless and always irresponsible. The system of double government, as it was called, was found to be cumbersome, dilatory, and impervious to all practical, constitutional responsibility and restraint. The consequences of this bad machinery were found to be—and he coincided in the statement—a normal state of warfare and debt, arising out of a normal desire for the acquisition of almost worthless territory. How were these evils to be met by the present measure? With regard to the exclusion of natives from places of trust, he had hoped that the right hon. Gentleman the President of the Board of Control would have rendered them eligible. That hope had, however, been completely crushed by the speech of the First Lord of the Admiralty. Still he hailed with great satisfaction the announcement that writerships were to be open to public competition, for that was at least a step in the right direction, and if persisted in and firmly carried out, would be found perhaps of wider sequence than any which had been made since the Reform Act. But unhappily this was only a home question, for the provisions of the Bill practically excluded the natives of India. The present Bill did not promise much towards reforming the law. The last Bill appointed a Commission of Inquiry in India into the state of the law; but the expense incident to that Commission was great, while the fruits were small. Bearing that in mind, he could not augur much good from the appointment of a similar commission at home. With regard to education and public works, he would not go into them at that period of the debate; they had been discussed already, and the carrying them out would depend on the motive power that could be given to the new Government. The hon. Member for Inverness-shire (Mr. Baillie) had described the elective body of the East India Company as little better than a corrupt borough, into whose proceedings one of our Parliamentary Commissions might profitably inquire, and the present Bill left it all untouched. The system of patronage, perhaps personally the most pinching and offensive, was merely mystified to be preserved or rather to be increased. It had been asserted that the present Bill would diminish the patronage of the Directors; but by reducing their number in a greater ratio than the total amount of patronage, it was evident that the patronage of each individual would be increased. Hitherto each Director had at his disposal many cadetships and a few writerships; but hereafter each single Director would have a much larger number of cadetships at his disposal than he formerly had of writerships and cadetships combined. In his opinion it was not desirable to confer any patronage at all upon the Directors. Patronage as a payment for services was confessedly the very worst possible mode of remuneration. But, for whatever cause patronage might be bestowed upon them, he saw no reason whatever for increasing its amount. On the contrary, if it were right to deprive the Directors of the patronage of the writerships, why not also take from them the patronage of cadetships, for the one stood on the same footing as the other. It was proposed that the Government should nominate six Directors, and these were to be persons intimately acquainted with Indian affairs—probably functionaries returned from India. These nominees would be generally the working men of the Direction; and thus indirectly would the standard requirements of the elected Directors be lowered, for proprietors, believing that the interests of India would be attended to by the Crown-appointed Directors, would thenceforth nominate and elect their own friends, no matter how unfit they might be. He feared the nominees would be subservient to the Government; and he should, therefore, prefer seeing their tenure of office limited to a fixed term of years after their return from India—say five years—leaving them to be followed by fresh men with fresh minds and more recent Indian experience. The noble Lord the Member for King's Lynn (Lord Stanley) said it was not only necessary that the Directors should be independent, but that the world should think them so. He (Mr. Rich) would ask any hon. Member to-day whether he believed that a Director, nominated by the Crown, having a seat at that Board, with 15,000*l.* in direct patronage, and with the knowledge that, as now proposed, their renomination depended absolutely on the Minister of the day, was likely to be substantially independent? The argument of the right hon. Member for Edinburgh (Mr. Macaulay) in favour of the double government was not conclusive. The right hon. Gentleman said it was necessary the Indian Minister should have the Court of Directors to advise him, because of the extent of the Indian territory, and the great variety of matters which required to be considered in connexion with it. The same observations would apply equally to the Colonial Secretary and the Foreign Secretary. He should have liked to see the noble Lord the Member for Tiverton (Viscount Palmeston), when at the Foreign Office, receiving a Board of Directors from the Dover Railway Company, or the General Steam Navigation Company, to advise and control him? Yet these Boards and their constituents would know quite as much about foreign affairs as many East India Directors and proprietors knew about Indian affairs. The right hon. Gentleman himself (Mr. Macaulay) practically condemned the existing system when he said that Lord William Bentinck, in the course of fourteen months, enforced five important orders in defiance of the Directors. One great advantage, at least, would result from abolishing the Court of Directors—the Board of Control would then be unveiled. It would stand face to face with the Governor General and with the House of Commons, and we should have clear and undivided responsibility. The right hon. President of the Board of Control attached much importance to the annual financial statement respecting India, which would be made to the House under the provisions of the Bill. If we had to provide for the Indian expenditure, such a statement would doubtless be listened to very attentively; but, having nothing to do with payment, with the ways and means, the probability was that the House would listen listlessly to the statement for the first two or three years, and then leave it to become once more, as now, a nullity. Another mischievous characteristic of the Bill was, that its operation was not limited to any fixed period. This was holding out a premium to agitation, for experience showed that organic reforms were seldom effected except by agitation; and successful agitation on such a subject in India should assuredly be guarded against, instead of provoked. For some time, however, all would go on smoothly, for so ingeniously were the arrangements respecting the distribution of patronage dovetailed between the President of the Board of Control and the Directors, that those parties would have mutual interest in maintaining a system which had worked so well for them. If we were to have this Bill at all, he would, with the hon. Member for Manchester (Mr. Bright), limit its duration to five years. During that time the Indian Government would be on its trial, and might be expected to behave well; but the wisest course would be to defer legislation for the present. One great principle which should govern our legislation for India, was the admissibility to office of every subject of the Queen, without distinction of colour or creed. This, though disregarded by the India Directors, was a distinctive feature of their Charter, and once much lauded by the right hon. Member for Edinburgh, who now shirked its enforcement. The right hon. Baronet the First Lord of the Admiralty delighted the House the other evening when he painted in glowing colours the glories of Nott and Pollock rising from the lower stations of life; but the right hon. Baronet was not justified in attributing the employment of such men, and the honours to which they had attained, to the Indian system. Far from it; for this had been the law, the practice, the boast, and, he would add, the safeguard of England for centuries. But the East India Directors specially sinned against this noble principle, for they jealously excluded all but their own: there was something specially against it in the India Company, for they had rules which prohibited any but English-born covenanted servants from rising and distinguishing themselves as Nott and Pollock had done. Not one of the 100,000,000 of the Queen's native subjects could hope to rise above the ranks, or the lowest employments. The subhadar who had contributed to the heroic defence of Jellalabad, who had sustained the spirits of his comrades on that Sikh night when the honour of the Governor General and of our Indian empire depended on the discipline and devotion of the troops, might now be on picket in a pestilential jungle in Burmah, instructing a raw ensign in the elements of his duty. Long and honourable service, zeal, ability, courage, ambition, might centre in him; but he must die as he lived—in the ranks, always subordinate to the youngest ensign. There are the same hearts, the same emotions, under a black as under a white skin; what, then, must be his feelings—what those of his comrades—under such circumstances? The suspicion and jealousy displayed towards the natives were justified by no experience. This was a subject well deserving the serious consideration of the House. What had the hon. Secretary of the Board of Control said? Why, that there was a growing divergence between the European and native servants of the Company, and an increasing want of respect between them. Lord Ellenborough and Sir Charles Napier spoke still more strongly. We all knew of rankling discontents and suppressed mutinies. Our Empire was one of opinion; and we had a large native army. If distrust and dissatisfaction were by continued exclusion to become rooted in it, we should not hold India long. That we might depend upon. If you wish to make men better than they are, you must treat them as if they were better than they are; trust and confidence were twice blessed—they blessed those who gave, and those who received. In early days we trusted them. Clive, at Plassey, trusted them; during the whole of the Carnatic war, when Hyder Ali and his son were thundering at our walls, the sepoys were officered by natives; and what said Sir John Malcolm upon this subject? He distinctly said, and he published his conviction, that the army of Madras never was in such an efficient state as it was during the wars with Hyder Ali and Tippoo Saib. That army was a sepoy force, officered and commanded by natives of high caste and high enterprise. He therefore contended that, judging from experience, there was no danger but much security in officering some of our battalions with natives of high character and approved service. The present was the time to do it. But if the case as to the native military was a strong one, it was much stronger as to civilians. It had been admitted that 95 per cent of the administration of justice was discharged by native judges. Thus they had the work, the hard work; but the places of honour and emolument were reserved for the covenanted service—the friends and relations of the Directors. Was it just that the whole work, the heat and labour of the day, should be borne by natives, and all the prizes reserved for Europeans? Was it politic to continue such a system? They might turn up the whites of their eyes, and exclaim at American persistance in slavery. There the hard work was done by the negro, whilst the control and enjoyment of profit and power were for the American. Was ours different in India. What did Mill lay down? European control—native agency. And what was the translation of that? White power—black slavery. Was this just, or was it wise? Mill said it was necessary. Necessary! in order to obtain respect from the natives; but he (Mr. Rich) had yet to learn that injustice was the parent of respect. Real respect grew out of common service, common emulation, and common rights impartially upheld. We must underpin our Empire by such principles, or some fine morning it would crumble beneath our feet. So long as he had a voice in that House, it should be raised in favour of admitting our native fellow-subjects in India to all places to which their abilities and conduct should entitle them to rise. Another branch of the subject related to official responsibility. The right hon. President of the Board of Control must be made responsible; he must be checked by Parliament, and not by an irresponsible Court of Directors, elected by an irresponsible Court of Proprietors. The principle of Parliamentary supervision must no longer be a dead letter—it must be effectually carried out. His right hon. Friend (Sir C. Wood) had affected to accomplish this by means of an annual statement. An annual statement might be all very well; but it ought to be accompanied by livelier checks, by an active debtor and creditor account on demand. The keystone of our constitutional practice was the purse. If we ourselves had to pay for Indian wars, we should not enter upon them so readily as we now did. As the case stood at present, there was every inducement to war. Take the case of the Governor General. His right hon. Friend had given a list of five Governors General, for whom he (Mr. Rich) entertained respect, who, no doubt, had zealously served their country. Every one respected them; but what had been the result of their administration? War and debt. Lord Auckland went out, full of peaceful projects; but in Calcutta he was surrounded by the influences of war, and acted upon by secret instructions from home. He had not the strength to resist, but entered upon one of the most unjust and disastrous wars in which this country had ever been engaged. He was made an earl. Lord Ellenborough entered first in a predatory war with Scinde, and then with Gwalior. He was recalled, and received an earldom. Lord Hardinge encumbered us with the Sikh war. He went out a commoner, and returned a viscount. Lord Dalhousie encountered a second Sikh war, and was made a marquess. He was now waging war with the Burmese, and might become a duke. But what was the course pursued towards the only truly pacific Governor General? Lord William Bentinck maintained peace, reduced the debt, fostered education, encouraged the natives, and effected great reforms; but he returned, as he went, the great and honest commoner! Thus, then, the highest honours were lavished upon four men who involved their country in war and debt; while the one man of peace and good government received—nothing! Lord Ellenborough declared that the Governor General was surrounded by those only whose interests were most frequently adverse to the interests of India, and of England too. Their whole interests, and, he was afraid, their instincts, were for war. Soldiers wanted pay, promotion, and prize money; civilians, the moment territory was obtained, became Commissioners, at enormous salaries, with almost boundless power; and the Court of Directors, who had no responsibility in the matter, had their brothers, cousins, and friends in India, all profiting by it, all acquiring honour, reward, and distinction. Who then should cry for peace? The President of the Board of Control, sitting in his arm-chair in Cannon-row, fancied himself the Great Mogul, responsible to no one. And he was right, for he and the Governor General wielded the awful power of an immense Empire without let or hindrance; and it was something for a haphazard politician to say as he lounged down St. James's-street, or into his club, "I have conquered a province this morning." Thus, almost every one person connected with India was interested in the prosecution of war except the black man, who shed his life's blood in it without the hope of promotion, and who left his orphans to pay for it by the sweat of their brow. He maintained that such things ought not to be, and that an immediate stop should be put to this corrupt, demoralising policy. He would himself rather forfeit India altogether, than continue such a system. Such a consummation, however, need not be dreaded. The remedy lay in the breeches pocket. It had been contended, that the greater part of the wars in which we had engaged had been quite as much of a European as of an Indian character. If so, let us, as honest men, pay our share of the cost. The Indian debt, it had been asserted, would ultimately fall upon us. He had little doubt of that; and had we assumed it twenty years ago, it would not have exceeded 30,000,000*l.* At present it was above 50,000,000*l.*, and if the proposed Bill continued in force for twenty years, it would, at the end of that time, reach 100,000,000*l.*, for the House had been told by his right hon. Friend that he had no hope that wars would not go on as heretofore. War, then, was looked upon almost as a normal condition of our Empire. It therefore required to be checked by greater penalties than we now applied: if we took the debt upon ourselves, we should find them there. Then, every constituency in the country would be hammering at their Members against war, that is, against war taxes; and every Member would be hammering at the Minister, whence there would be such a hammering as would hammer Indian war more out of favour than it unfortunately now was. No one would ever persuade him but that the preservation of peace in Europe since 1815 was mainly due to a fear of the consequences of an addition to the pressure of our overwhelming debt. That pressure, in fact, was a providential working to keep men from devastating each other with war, for war and devastation were convertible terms. At all events it was our bounden duty to bring to bear upon India the civilisation of a great and Christian country; and he trusted this would be done by the adoption of the principles of legislation he had endeavoured to sketch. Those principles were—accessibility to office in India of all without respect of caste, colour, or persuasion, according to merit; the constant, working responsibility of the Minister of India to Parliament; and the liability of this country to its share of the debt for the wars in which it engaged. He regretted to say he could not find the embodyment of one of these principles in the present Bill, which appeared to him to be drawn in a hesitating spirit. The Government seemed willing, yet afraid, to act. It behoved, therefore, the liberal party to give them an impulse, and that could be best done by bringing public opinion to bear more strongly upon Indian reform. Delay would do this. There might, or might not, be some inconvenience in this short delay; but it was as nothing compared to the immense object of conferring a generous, elevating, peaceful, and commercial government on the people of India. With this view, he should vote against the second reading.

MR. CUMMING BRUCE said, he thought, before the hon. Gentleman who had last spoken referred in terms of disparagement to the Burmese war, and to the distinguished Nobleman who now governed India, he should have obtained better information than he seemed to possess. It was known that the last accounts from India gave us every reason to hope that that war was in the progress of being amicably settled; and when he spoke of the impolicy of that war, it would have been well to reflect that our empire in India was an empire of opinion, that the Burmese were a conquering nation, and that the *prestige* by which our Indian Government was supported, would have sustained great injury if, in the case of the Burmese, that had been passed over which we had severely chastised in others. He entirely concurred with his hon. Friend the Member for Inverness-shire (Mr. Baillie) and other hon. Gentlemen, that if in these debates there was one thing more desirable than another, it was that they should carefully exclude all considerations and influences of party politics. And certainly the speech with which his right hon. Friend the late President of the Board of Control concluded the debate on the first night of this discussion, showed that by the leaders of the late Government the question had not been considered with reference to party. Speaking for himself, he also wished to be relieved from any such influences, and to look at the two questions before the House—namely, the Bill of Her Majesty's Government, and the Amendment of his noble Friend (Lord Stanley)—solely on the ground of their merits. He was one of those who entertained the opinion that the present was the time when it was extremely desirable to legislate with regard to the Government of India. He came to that conclusion on two grounds: in the first place, because the Committee appointed to inquire into the subject, had reported favourably of the operation of the Act for renewing the present Charter; in the next place, that being so, he thought it extremely desirable that this subject should as soon as possible, consistently with that due deliberation which its importance deserved, be withdrawn from the arena of public discussion. And certainly the turn which the debate had taken had tended to confirm, and not to weaken, that impression. Hon. Gentlemen of the school of "Young India," as the hon. Member for the University of Oxford (Sir R. H. Inglis) termed them—better known, however, as the Manchester school—had indulged in one continued series of most exaggerated, envenomed, and bitter attacks upon the whole system, as well as every one connected with it, to which we owed the possession of our Indian Empire. The hon. Member for Manchester (Mr. Bright) complained the other night that public opinion was not sufficiently informed on the subject. Now, what was the sort of enlightenment derived by the public from discussions of this kind, which the hon. Member said were instructing public opinion? It was an inherent virtue in the mass of our countrymen that they unhappily never read more than one side of a question. In discussions like these they were all more or less hero worshippers; they set up a political idol for themselves, they read his speeches, and with them that usually decided the question. Now it happened that at Manchester, whatever the hon. Member for that city, with his attractive style of pugilistic eloquence, said, was received as gospel. Well, the hon. Member for Manchester had informed them that the East India Directors were revelling in corruption from the patronage which they enjoyed. Was that a just charge? Why, the patronage was given to the Court of Directors because Parliament would not give it to the Crown; and how could he complain of the Directors exercising their patronage in the very way which seemed to have been expected of them? He (Mr. C. Bruce) believed that that patronage had been administered in a way that was most honourable to the Court of Directors. Then the hon. Member for the West Riding (Mr. Cobden) told them that the double government of which he (Mr. C. Bruce), by the way, greatly approved, was a delusion and a sham—a thing without power. But what was the fact? Why, that within a short period they had exercised the supreme power of recalling the Governor General of India; and in his (Mr. C. Bruce's) opinion, they had exercised that power alike to their own honour and to the advantage of the country. Then the hon. Member told the people of the West Riding, who of course believed everything he said, that the whole system had been one for carrying on expensive and unjust wars, wasting the resources of the country, and creating a debt which they and their children would have to pay. But the hon. Member forgot to add that one of those wars—and that the most expensive—was rendered necessary by the fierce irruption of a warlike foe across our frontier, with an army of from 60,000 to 70,000 men, and a train of artillery which none but our own could have resisted; and that, if that unprovoked irruption upon our territory had not been driven back—if it had not been for the prompt, the gallant, and the judicious energy of Lord Hardinge, and the bravery of our army, led by that old and gallant soldier, who never knew defeat—he spoke of Lord Gough, than whom a braver man never drew sword in the service of Queen or country—events might have ensued which would have obviated the necessity for this discussion as to how best to retain our empire in India, and have led to responsibilities of a pecuniary nature for the people of the West Riding and their children to meet of a very different sort from those to which they were now liable. Then the hon. Member for Leominster (Mr. J. Phillimore) had referred to the question of the land tenure, and the distress and poverty into which the native inhabitants of the several Presidencies were plunged. But the hon. Member omitted to mention the fact that the systems of land tenure, the permanent settlement of Lord Cornwallis, the ryotwar system of Munro, and the mixed system now in operation in the North-western Provinces, were the result of the anxious and earnest consideration by the best informed and most powerful minds as to what system could be devised for the advantage of the people of India. The right hon. Gentleman (the President of the Board of Control) said it was not necessary to wait for the Report of the Committee to legislate on Indian affairs. He (Mr. C. Bruce) had listened to the statements of the right hon. Gentleman; but though he concurred in his view as regarded the double government, he considered that to make that Government effective two essential measures should be carried out—namely, to strengthen that Government in the first place, and in the second to give it permanency. To the system of double government, this country was indebted for the retention of its power in India; while its action had also had the most beneficial effect upon the condition of the natives. The plan of Her Majesty's Government, which did neither of these things, therefore, greatly disappointed him, because it appeared to weaken that system where it should have strengthened it, and it strengthened it where it should have weakened it. In his opinion the system of nominees tended entirely to the subversion of the independence of the Court of Directors. What was wanted with respect to India was a body to control the local Government, to make it work in harmony with the Imperial Government, and to be a sort of intervening body, not subject to party influences, but, by embracing all the knowledge, and vast and various interests which ought to be represented, to possess such weight and authority with public opinion as to serve as a sort of breakwater to resist the interested speculations of powerful individuals—whether connected with the cotton or any other trade, with Manchester or the West Riding—being urged on in a direction unfavourable to the people of India. It ought also to be a check against the overbearing power of a wilful, and against the submission of a weak Government. But how did Ministers propose to secure the independence of this body? By appointing a set of nominees, who could not possibly enter the Court of Directors without carrying with them a strong leaning in favour of the Government that sent them there. He was surprised to find that the hon. Gentlemen who objected to the Court of Directors and the double government opposed the Ministerial plan, and he was still more surprised that the hon. Baronet the Member for Honiton hailed it with so much complacency. [Sir J. W. HOGG: I support the principle of the Bill.] He regarded the Ministerial plan as consigning the Court of Directors to the "tomb of all the Capulets;" and he thought that the proper place for Ministerial nominees was not the Court of Directors but the Board of Control, which he was sorry to see was falling into abeyance—though it never could be a nonentity so long as it was presided over by the right hon. Gentleman. If the Crown wanted to reward distinguished services in India, to confer honour on its Indian servants, or to secure the services of men having a knowledge of Indian affairs, the Board of Control was the place for them. If such men were to get a seat in the Board of Directors, they would carry with them party feeling. In confirmation of his views, he (Mr. C. Bruce) had received a letter from a relative who had long resided in India, and was well versed in Indian affairs, which was to the effect that the introduction of nominees into the Court of Directors would cast upon the Ministry of the day the responsibility of the acts of that body; that the India Board, therefore, would become an object of attack on the part of the political opponents of such administration; that the Government of India would consequently become an open arena for party contests; and that weakness and division would, therefore, take the place of that union and strength which was the foundation of British power. The writer added, that after the first choice the nominees would be the mouthpieces of the Ministers. He (Mr. C. Bruce) entirely concurred in these views, which, however, were those of a gentleman who differed widely from him in general politics, and who was more radical on these points than most hon. Members of that House. With all its faults, the Court of Directors was free from party contests. The plan of the Government was, therefore, worse than the system which prevailed in that body. Another objection to this plan was, its rejection of the principle of permanency. It left the whole system of Government for India to be scrambled for at the will of political parties in that House. He could, therefore, conceive no plan more likely to be mischievous in its every consequence. If a Government energetic and strong was wanted for India, it could not be obtained under the plan, because the basis of such a Government was inevitably settled power, permanent in its character, and not fluctuating. For such a Government, twenty years was only a short period; but Her Majesty's Government only proposed one year. That, in his opinion, was fatal to the plan. At the same time, he was by no means satisfied with the Amendment of his noble Friend (Lord Stanley). That Amendment pointed rather too much to a section of that House called "Young India," for him to support it cordially, though he believed his noble Friend gainsaid that inference in his able speech. If he (Mr. C. Bruce) could propose an Amendment, it would be to the effect that the House, concurring in the Report of the Committee that the tenor of the evidence was favourable to the East India Company's government, considering the period of the Session and the state of the question, resolved that the Act empowering that Government should be renewed, and be of force until Parliament should otherwise determine. His noble Friend had, however, adopted the suggestion of two years, and for that reason he was not satisfied with the Amendment. In his opinion the present system had been most unfairly assailed—it had been attacked with the most unmeasured and the most unjustifiable abuse—and Her Majesty's Government had introduced a measure which was a virtual denial of that system, and which was calculated to give it its death-blow. It should not be forgotten, however, that under that system our great Indian Empire had been consolidated and maintained; and it could not be denied that while it gave greater power and prosperity to the State, it also gave greater security to the persons and property of the Natives than they had ever enjoyed under the rule of their native princes or Moslem conquerors. There were evils in that system to be remedied, beyond doubt, as well as benefits to be enforced; but the wonder was, that with a Government differing in language, religion, and habits, from the Natives, the evils were so few, and the remedies for them so promptly and efficiently supplied. As the servants of that system acquired greater experience, those evils became less, and there was every prospect, if it continued, that the result of this knowledge would be a perfect administration of that system. Twenty years were but as an hour in changing the character of a nation, and therefore Parliament should pause before it proceeded to sweep away a system which had been so beneficial in its action. The advantage of this system was shown by the fact, that there had been no instance of rebellion since the older provinces came under British rule; and that, even in the more recent acquisitions—in Scinde and in Lahore—the functionaries of the Indian Government were received with willing submission, if not with ready welcome. A system that produced such men as Lawrence, Conway, Thomason, Cotton, Dixon, and Macpherson, should not be rashly thrown aside. If the Bill were confined to the simple arrangement of the home machinery of the Government, it might be applied. The Committee had, however, not reported on the branches of inquiry connected with the local Government of India. But it was through the local Government alone that those ameliorations deemed necessary could be applied. He was not ready, therefore, to legislate on the subject of the local Government; and, what was more, he thought that House ought not to legislate on it until the opinions of the Governor General and the Governors of the several Presidencies were obtained. To obtain these, legislation should therefore be postponed for the present Session, for to legislate without them would be to legislate in the dark. What was to be guarded against in India, was the too great centralisation of Government. He would suggest, therefore, that every Governor General, every Governor of a Presidency, every Commissioner, every collector even, should have the power of suggesting and originating legislation for the jurisdiction over which they presided, and also a consultative voice in all legislation which affected another district, or province, or Presidency, than that over which they presided. As to the patronage, he entirely differed from his noble Friend (Lord Stanley) and the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay) in their opinion of throwing it open to competition; he thought that that was a system that would endanger and ruin the civil service, and he would be no party to it. They were going to open a great State lottery with very few prizes and a great many blanks. A more demoralising system he could scarcely imagine. The first effect of it would be, that every respectable attorney and person in the middle class of life, who had got a promising son, would rush into this competition with the idea that this son might rise to be Governor General, and the result would be, they would have a vast number of educated men disappointed in the objects of their ambition. They all knew that nothing had led more to the disturbances in France than the immense number of highly-educated young men beyond the wants of the country, who looked to the Government service and employment as a source of support and advancement. That was the very element of the revolution in France. He had no fear of a revolution in this country, because we had Australia and Canada to send them to; but he greatly objected to a system which had such a tendency. At the present day, in every walk of life, the number of educated men was out of proportion to the offices to be bestowed, and he doubted whether they would get a better set of men. He denied the position of the right hon. Gentleman the Member for Edinburgh, that a man was better qualified for such offices as those in question by mere literary distinction. He could find instances to the contrary even among those quoted by the right hon. Gentleman. He could refer to one whom he had named, a distinguished prize essayist at college, who was obliged to be recalled from India for the confusion he had created there. The right hon. Gentleman had referred to Lord William Bentinck. He had known that nobleman, and had the highest respect for him—he was an able, upright, and honourable statesman, and a most excellent governor; but he was not distinguished by any means for literary acquirements. Then take the case of Lord Clive—he was scarcely literary enough to hold his seat at a clerk's desk, and yet he had laid the foundation of our dominion in India. But he would give one name against the long array the right hon. Gentleman had quoted. There was the Duke of Wellington. Who was his equal as a great military conqueror, a civil administrator, or a wise and judicial statesman? Who in our time had come near him? But he was not distinguished at school or at college. The proposal was a mere claptrap and delusion to gain votes below the gangway. He thought it so mischievous, so likely to destroy the civil service, that nothing should ever induce him to vote for it. He would dispose of the patronage thus: He would take one-half, and of that he would give a portion to the Commander-in-chief, calling for an annual return to Parliament from him as to the manner in which he had bestowed it; the rest of the half he would give to the Universities and great schools of the United Kingdom. The other half he would leave in the hands of the individual Directors; they had hitherto used it well, and their possession of it could only be productive of good to the community. As to the Court of Directors, he would place them on such a basis as to give them weight and influence in the public opinion of the country. As that Court was now constituted, he thought it too weak, and yet they proposed to weaken it; its constitution was too narrow, but that they did not propose to touch. He thought a single Chairman and Deputy Chairman, even if permanent, and with all the acknowledged ability of the hon. Member for Honiton (Sir J. W. Hogg), could not master the business of all the departments; they necessarily must be almost ludicrously ignorant of much upon which they were called upon to advise Ministers. Then the Committee of the East India House was not constituted at present so as to render to the Government all the assistance they might render, and, from the constant state of fluctuation they were in, it was impossible they could form or follow out comprehensive views on any great question. Then he objected to the system of "P.C." (private communications); it must lead to a great deal of idle, undignified, and sometimes mischievous meddling with small and unimportant details. The President of the Board of Control and the Court became compromised to certain opinions, without having had the advantage of the research and discussions which all great questions ought to undergo in the Court of Directors, and it led, in fact, to a system of government by clerks; and, although he most readily admitted that the clerks of the Board of Control were most able men, yet he objected to a system which forced the Board to decide on questions of which its chiefs could not have that knowledge which was necessary to enable them to decide properly. Again, he thought the Government of India should be conducted in the name of the Queen, rather than of the Company. He thought, too, that to make such a senate as was required, the number of the Directors should be extended instead of being diminished, as was proposed; and that the authority and influence of the elective body should be greatly enlarged; he would maintain all existing votes with one exception—he would relieve the fair sex from the solicitations of their friends—he would abolish all cumulative votes; but then he would give votes to all persons residing in this country who possessed property in India, real or personal, to the value of 100*l.* a year; he would add all retired Indian officers, whether in the military or civil service, who enjoyed pensions of 100*l.* a year; and he would include another class—all men who had ventured to the extent of 2,000*l.* in the trade of India. That would let in the manufacturing and commercial classes, and would altogether create a pretty numerous body of electors. For the Directors elected by that body he would require a qualification, in a certain number of them, of a certain number of years of service in India; he would not require it for all, because it would give a narrow and limited character to the body. He would have altogether thirty-six Directors, and would divide them into six bodies, or committees, of six each—the military, the financial, the political, the revenue, the judicial, the miscellaneous—and of each of those bodies he would have a Chairman, and Deputy Chairman, who should be handsomely paid, and should be working men; the other four Directors of the committees would be extremely valuable for their advice on the various questions that arose; but it would not be necessary to remunerate them if they had a share of the patronage. The proceedings of such a Court would be so well matured when they were carried to the Board of Control, that it would not be necessary for the President of that Board to alter them. He would take the Chairmen of the military, financial, and political committees, and constitute a secret committee to go to the Board of Control with all secret despatches, and who should be authorised and empowered to act with the President in the same manner and with the same power as the Supreme Council in India acted with the Governor General. Then he would propose one thing more. He would oblige them to sit once a week in open court, and hear complaints on all such matters of injustice or oppression as were not capable of receiving redress in the ordinary course of law. The matters upon which the Home Court would decide would be very important. They would have to consider not only all wrongs which did not admit of ordinary redress, but the laws proposed by the Governor General in Council—matters of removal from office, and resumption of political power;—in short, everything which was in its nature judicial, but for which there was no other remedy. These were the notions he entertained, which, if the Bill of the Government were limited to the subject of home government, they might have embraced in it, and carried through. With regard to the education of the people of India, and the extension of religion, he hoped the Government of India would give their own religion fair play. Hitherto they had very grievously discouraged it; for instance, by giving assistance to schools in which no Christianity was taught, and by refusing assistance to schools in which Christianity was taught. This was discouragement of their own religion, and most unfair discouragement. The great aim and object, which, in his conscience, he believed were in the contemplation of a just, and gracious, and wise Providence, in having assigned to us the government of this great country, were, that we should be instruments in civilising and in improving it. Now, he begged the House to remember that the great civiliser was Christianity; and again he would implore the Government not to discourage the dissemination of that religion, but to encourage, by all fair and legitimate means, the action of those devoted men who went out as missionaries to extend its blessings.

Mr. MARJORIBANKS said, that in justice to the proprietary of the East India Company, from whom he had received many favours, he wished to be allowed to say a few words in their defence, believing that his experience as to the votes given by that proprietary was of as great weight as those vain assertions with which the House had recently been indulged on the subject. During the long canvass he had made as a candidate for a seat in the Court of Directors, only two offers of votes had been made to him in return for promises of appointments. And yet the hon. Member for Inverness-shire (Mr. Baillie) would wish the House to presume that this was the universal system pursued between the constituency and the canvasser. With regard to the assertion that a number of votes were always at the disposal of the banks, with which to oblige their customers, he would ask the hon. Member how it was that the eminent banking firm with which the hon. Member for Inverness-shire had the good fortune to be connected, had given him (Mr. Marjoribanks) their best wishes, but had only assisted him to one vote? As to the hon. Member for Manchester (Mr. Bright), he congratulated him upon the manner in which he had out-Heroded Herod upon this question. It was his firm belief that not all the bankers in London, both in the City and at the West end, could give over 300 votes in the way the hon. Member described. The hon. Member declared that no gentleman of standing would condescend to the degradation of a canvass. All he (Mr. Marjoribanks) could say was, that when his election was finished, he could with the greatest confidence have given his canvassing book into the hands of any of his opponents, and would have defied any one to point a single vote purchased either by a direct or an implied promise. Such being the fact, it was simply ridiculous—nay, more, it was monstrous—to assert that a highly-educated proprietary of nearly 1,900 persons were a most corrupt and most useless constituency. Another assertion, or rather complaint, made by the hon. Member for Manchester (Mr. Bright) was, that a Report in reference to the public works of India, which had been moved for by the hon. Member for Montrose (Mr. Hume) some months before, had not, although in circulation at the India House, been laid upon the table of that House. Now, the fact was that the Report in question had been laid upon the table of the House on the 27th of last month, and therefore the hon. Member had only himself to blame for his ignorance. Having, as he hoped, completely exonerated the proprietors from the unjust attacks made upon them, he would now say a few words with respect to the Amendment of the noble Lord (Lord Stanley). That Amendment he viewed as simply a measure for delay, and he could not agree with those who considered that delay was desirable. As to the assertion that the Directors wished for the Government Bill, because its tendency was favourable to them, he would rather say that if the Court of Directors merely regarded their individual interest, they would unanimously support the noble Lord's Amendment; for each day, each counter-assertion made in regard to their conduct, had proved the absurdity of the charges brought against them. He would say, in conclusion, that even if he could not support the Bill, still less could he support the noble Lord's Amendment.

Mr. NAPIER said, that after the most anxious and candid consideration of this question, and after availing himself of all the means in his power of coming to a correct conclusion, he found himself bound in honesty to support the Amendment of the noble Lord the Member for King's Lynn. He would state at the outset the grounds on which he proceeded. If he accepted the Bill of the Government, he must pronounce that Bill to be sufficient and meritorious; if on the contrary, he accepted the Amendment, he did not by so doing repudiate the Bill, and condemn it. He only said the Bill is of such importance, and concerning the happiness of so many of my fellow-creatures, that there ought to be no precipitancy, but we ought to satisfy them and ourselves that we have given the question full consideration before we determined on the course we should pursue. He could not entirely agree with the views of the last speaker but one, who condemned both the Bill and the Amendment. The proposition before the House was not, he repeated, to condemn the Bill; the Amendment only asked them to suspend their judgment until they were completely and fully informed, and were enabled to give a satisfactory decision upon the subject. The measure was presented to the House on the 9th of June; the only evidence with which he had been supplied came to him dated the 16th of June, and then a day or two afterwards they were asked to give their assent to this Bill, while the materials upon which they ought to base their decision were yet accumulating. He was not prepared to say that the Bill ought to be altogether repudiated, but he would not be a party to the passing of such a measure upon the imperfect information now before the House. When the evidence taken before the Lords Committee was presented to him, knowing the ripe experience of an early friend of his, Sir Erskine Perry, and the great interest he had always taken in the affairs of India, he had turned at once to the evidence given by that gentleman to obtain the materials for the formation of an opinion upon this question. The hon. Baronet the Member for Honiton (Sir J. Hogg), in the defence he had made as to the administration of justice in India, had referred more than once to a work published by Mr. Norton. He would read one passage from the evidence of Sir Erskine Perry upon the same subject. In reply to a question put to him, Sir Erskine said—

> "I believe the judicial system of the Company is extremely defective. I received a pamphlet yesterday from a trustworthy gentleman, Mr. Norton, of the Madras bar, which gives a list of examples of the extreme ignorance in judicial matters displayed by the Company's Judges, which quite condemn the system. My testimony from Bombay is to the same effect; I lived on terms of great intimacy with the civil service in India, and I had great opportunities of knowing what they think of it, and they, also, generally condemn it."

In 1833 Sir Edward Ryan stated that the Judges of the Supreme Court in India had made various suggestions for the amendment of the law; those suggestions, in connexion with the whole subject, were taken into consideration by the Home Government and the Legislature, with the result that in 1837 a code was framed for India. Had that code been carried into effect? Nothing of the sort; it had been since bandied about, battledore and shuttlecock fashion, between Cannon-row and Leadenhall-street and India, for consideration and reconsideration; and now, in 1853, the Government proposed to send it the round once more, so that a system, which had engaged the earnest attention of so many able men, and had cost so many thousands of pounds, was still to remain in abeyance for an indefinite period, although it was the distinct intimation to them of the most competent authorities, of Sir Erskine Perry, of Sir Edward Ryan, and others, that this code was one of the most crying wants of India. But after thousands upon thousands had been spent in perfecting it, in order that it might supply all the wants of India, what was the remedy proposed with respect to that code? Why, it was stated that such and such reports had been transmitted to the Board of Directors, but that as to the general principles no final decision had been given, so that it now remained for Her Majesty to appoint a Commission to consider the recommendations of the India Land Commission, and to report from time to time what laws and regulations should be proposed for the enactment of Parliament. Accordingly most eminent men from this country, and some of the most eminent members of the bar at that time, had been sent out. Their suggestions had been sent to the Court of Directors, and there they remained. Now, he might ask where were those codes, and why had they not been furnished to the

Members of that House now that they were about to legislate for India? If Parliament was not competent to legislate for India, in God's name let them abdicate their authority at once; but if they were to legislate, it was their bounden duty to apply their minds to the subject, and if they were to come to a distinct and sound conclusion, they ought to have been furnished with all the information it was possible for them to have. Now, however, they could do nothing for India but give them this meagre measure. He would refer to one or two opinions which had been given with reference to this code. Sir Erskine Perry and Sir Edward Ryan, who had been Judges in India, were, as he had previously stated, most favourable to this code. Twenty years ago Sir Erskine Perry and Sir Edward East had called attention to the great evils prevailing in the administration of the law in India; and was it creditable to the country, after these authorities had pointed out these facts, to be now legislating under such circumstances on a question that was looked upon with such interest by the people of India? The people of India considered that the fact was of the greatest importance, how the Legislature would deal with the civil and criminal codes. It was impossible that they could provide a suitable Government for India by so meagre a measure as this, by passing an Act merely to satisfy their political exigencies at the time, whilst they left all the real grievances unredressed, and by passing a measure which not only invited but involved further discussion. If this were their ultimatum, it might be depended upon that when farther concessions were wrung from them, they would far more shake the establishment of the Government of India than anything that could be done at the present time. Whatever decision they might come to, it ought to be done after giving the subject the largest and most liberal consideration. Nothing, indeed, satisfied men's minds more than the consciousness that their case had been fully heard; and if they were debarred from that, nothing could possibly irritate them more than the belief that justice had been denied them because their case had not had a sufficient hearing. With respect to the system of judicature, Sir Edward Ryan had suggested the establishment of a Civil Court at Calcutta, and that in the event of the trial proving favourable, it should be extended over the rest of India as it was found applicable. That scheme had been sent home; it was approved of by the law officers of the day here, but it was rejected by the Court of Directors. On another point, with respect to the judicial capacity of the natives, both Sir Erskine Perry and Sir Edward Ryan spoke highly of them. The right hon. Baronet opposite (Sir C. Wood) had said that the tree must be judged by its fruits. He (Mr. Napier) was willing to accept that; but the right hon. Baronet had judged rather by the foliage and not by the fruits. In whatever cases the natives had been called upon to decide as judges, they had exhibited great sagacity in picking out whatever points there were when the question was one of a conjectural nature. He asked, then, was it fair to treat 200,000,000 of our fellow-subjects in this manner, and to reject the only opportunity which would enable them to achieve for themselves some portion of good and benefit. In reply to Question 2,528 of the Report, Sir Erskine Perry, when asked his opinion with respect to the amalgamation of the two systems, stated that he was favourable to the amalgamation, if it could be done in a large and comprehensive measure forming a part of an organic change in the system of government, and, above all, passed in this country. Now he asked, was this dealing with the question in a large and comprehensive measure? He would just point out one of the most extraordinary methods he had ever heard of, of training their judges. They were first placed in the courts of appeal, and young Europeans, of twenty-three or twenty-four years of age, might be frequently seen overruling the judgements of others of twice their age and experience. Referring, again, to the code of criminal and of civil law, and the other matters which he had stated it was necessary should be passed in this country, all, it had been said, depended upon an organic change in the system. It had been said that a change in the system of judicature was essential, and that the adoption of the codes was also essential. Now if a change in the judicial system was essential, and if that change depended on an organic change in the Government at home, why should they be asked to pass a Bill like the present, which took no notice of these proposals? It was not dealing fairly with the natives of India. It was true that the peculiar nature of the religion of India offered great obstacles to even secular instruction; and he admitted that it was a dangerous thing to destroy one form of religion before being prepared to offer another; but he still asked the question, what had they done to plant Christianity, civilisation, or a good system of laws in India? Now, to do all this, the Bill provided was, as they had been told, a reconstruction of the Court of Directors. What they wanted was an energetic and vigorous Government, to strike a blow at once, and put the code directly into force, which Sir Erskine Perry, Dr. Duff, and Sir Edward Ryan, were all agreed in pronouncing to be the crying want of India. He (Mr. Napier) objected to this Bill as the ultimatum of what they proposed to do; and if this meagre measure was all that they could offer, he, for one, could only agree to it under the sternest necessity—when all the evidence had been gained, when all inquiry had been closed, when India and her undefended people, who had no power beyond the justice of their case, had had a full and fair hearing. It was the duty of the independent Members of that House to look to the question on the broadest principles of justice. If no party feelings were mixed up in the question, it was their duty to take care that they were furnished by Government with all the materials necessary to insure the best measure which the case admitted. They had been told that they could amend the measure in Committee. He would ask, would they be in any better position when in Committee next week, than they were now? The Amendment of his noble Friend (Lord Stanley), in his opinion, was founded on justice. He did not ask the House to reject the measure, he merely asked them to suspend their judgment upon it until they had obtained the materials necessary to enable them to come to a just conclusion. He implored hon. Members, as they valued the character of the country—as they valued the character of the House—and as they valued the welfare of 200,000,000 of their fellow-creatures, not to suffer this Bill to pass in its present state, but to do justice to those whom they were bound to protect.

MR. JOHN MACGREGOR said, he very much condemned the proposal of the hon. Member for the county of Elgin (Mr. Cumming Bruce) as most rash and revolutionary, and one which, if carried out, could not fail soon to destroy the power of this country in India. He considered that there was one great error generally entertained by that House in discussing this question. That error consisted in the belief that they were legislating for the people of a country like the United States of America, or of Lancashire, and not for the people of India. There never was a country that, previously to 1757, had been subjected to such perpetual and bloody wars as India. The British Government had done hard and cruel things in India; but he, for one, could not overlook the good it had done, considering the population they had to deal with. The spirit and practice of our Government had been mercy itself, compared with that of the Hindoo, Mogul, and Mahratta Governments. The condition of the people of India had, indeed, been more wretched and miserable before British rule commenced in India, than that of any people recorded in history. Among the difficulties of the question was the fact that we had had to do with from thirty-seven to forty nations speaking different languages, and that we had to introduce Hindoo and Mahomedan law into our administration. One-third of the produce of the soil had, under the Moguls, been considered as revenue belonging to the sovereign; one-third as belonging to the zemindar or proprietor; and one-third as belonging to the ryot or cultivator of the soil. This was a far more oppressive system than that which existed now, which, however, he admitted, was susceptible of improvement, especially with regard to abolishing the duty on salt, which was a tax on a prime necessary of Indian life. To come to the Bill which was now before the House, he did not consider that it was the best which could be framed; but, on the other hand, he thought it was dangerous to make suddenly sweeping changes in the government of a population of 150,000,000, professing different religions, and speaking no fewer than fourteen different languages, with traditional hatreds entertained one against the other, and where the division of the Hindoo population into castes tended to prevent their moral and social improvement. The most common error that was entertained in England with respect to distant possessions was this, that they were perpetually legislating for them according to the British constitution, and as if the inhabitants were Christians and Europeans. Even with regard to the Continent, they thought everything wrong that did not square with British ideas. But in legislating for India they ought to have a twofold object in view—first, to advance the intelligence and civilisation of India; and, next, not to come into violent antagonism with the religion and traditionary usages of the natives.

For his part, he had no sympathy with the cry which had been raised about want of information about India. In 1833 a great mass of information respecting India was laid before the House of Commons, and ever since that time full details of all that had taken place had been laid before the House; so that if men were ignorant of the affairs of India, it could only be because they would not take the most ordinary pains to inform themselves. His objections to delay in legislation were these. In the first place, he believed that in India itself new legislation was now expected. In the second place, his noble Friend the Marquess of Dalhousie, with whom he had acted in office five years, considered that immediate legislation was necessary; and he had the greatest confidence in the knowledge, sagacity, and judgment of Lord Dalhousie. He therefore thought that the plan of doing something during the present Session was a wise and good policy, and that the course adopted by the Government, of not fixing any particular period for the expiration of the Bill, but leaving the question of the government of India open for future revision, was a wise and good one. He would not go into the merits of the Bill, though he believed it had practical merits; but he must say, he doubted whether the system proposed with regard to the Directors would permanently work well. As a temporary plan, he thought that it would work better than the present form of government. On the question of appointments to office, he must at once say that he doubted whether the system of competition would succeed as thoroughly and satisfactorily as its friends anticipated. When he looked at the high character and the admirable conduct of most of those who were sent out under the present system, he was afraid that the proposed plan of competition would not give them better servants than they had already. The right hon. and learned Member for the University of Dublin (Mr. Napier) had stated one or two circumstances which he could not pass over without notice. He complained that the code of Indian law proposed by the right hon. Member for Edinburgh (Mr. Macaulay) had never been laid before that House, nor had it been brought into operation in India. Now the fact was that a code of law might be considered to be the most perfect code in the world for India, but on being taken out to India it might be found to be perfectly incompatible with the habits and feelings of the people of that country. The celebrated Mr. Locke drew up a morally perfect constitution for Carolina of 152 articles; but it was found, on being sent to the colony, to be impracticable for a new American colony, and it was never acted upon. He thought Parliament ought to carry out the spirit of the Act of 1833 with regard to the employment of the natives, and that they ought to have all the benefit of the covenanted service. With regard to another question, that of the power of making war in India, he must say that the power given to the President of the Board of Control, and to the Secret Committee, was a most solemn, and, under most circumstances, a most dangerous, power; and the wonder to him was that it had really been executed with so little of precipitation and of injustice. But then they ought to look to the conduct of the men who had been entrusted with that power in this country; because, after all, the power was vested in the hands of the Ministers of the Crown, and no man could be a Minister of the Crown who did not possess the confidence of the House of Commons. It was on this ground he was surprised at the course taken by the hon. Member for Manchester (Mr. Bright); because, as they were promised a Reform Bill next year, which might be expected to increase the power of the people, the hon. Member, and those who thought with him, would then have it in their power to improve the Bill more than they could do now. Much had been said about the aggressive wars which had been pursued in India; but before altogether condemning those wars, let them look at what had taken place in America. At the time of Wolfe's victory there were not more than 2,000,000 of the British race scattered along the coasts of the Atlantic; but since that time the whole of the northern American continent was governed and peopled by men speaking the English language. Nor could we in India prevent the extension of our territories. He firmly believed that until they possessed the whole of the Indian peninsula, from the Himalayas to Cape Comorin, and from the Indus to the Burrampootra, they would never establish that tranquillity in India which would be the necessary consequence of their dominion. He believed there were circumstances at work which would compel them, in spite of themselves, to take possession of the whole country. He did not consider that the natives of India were sufficiently prepared for any but a gradual change. When they were so, he would be prepared to go as far as any practical man could go; and he believed the time not to be far distant when the whole government of India must be invested in the Crown. He was willing to admit that the government of India had worked wonderfully well, considering the manner in which it was constituted. It was an absurdity to confide the Government of India to men who were elected by about 2,000 stockholders, who took no interest whatever in India, provided they received fair dividends; and the Company had long ceased to be a trading association, and had become territorial lords. On the other hand, the Directors so elected had been long connected with the Government of India; and, that being so, he considered the course proposed to be pursued by the Government the most safe and practicable. Reserving to himself the privilege of supporting and endeavouring to redress the grievances which had been stated in the petitions of the natives from Madras, Bombay, and Calcutta, he would give the principle of the Bill before the Committee his support—a support which, he could assure the House, was given in a perfectly independent spirit, and speaking only as the unfettered representative of one of the largest constituencies in the country, and one that was deeply interested in the prosperity of the people of India.

Mr. DIGBY SEYMOUR said, he always felt considerable diffidence in intruding himself upon the attention of the House upon any question, but he felt it the more in addressing them on the present occasion on a question not only affecting the interests of his constituents, but of several millions of his fellow creatures. He had lately had the honour to present a petition from the corporation of Sunderland, praying that the House would pause in its legislation on this subject, and that it would not pass any Bill for the future government of India till there was time and opportunity given for the taking the evidence of the natives of India. Now, if shipping were the child of commerce, and if commerce were the result of prosperity and peace, and if prosperity and peace depended upon good government, it would not surprise the House that his constituents in Sunderland, themselves intimately connected with shipping, should take a deep interest in the result of this debate. He had himself, after well considering the matter, arrived at the conclusion that the Amendment proposed by the noble Lord (Lord Stanley) ought to receive the support of the House, and that some time should be given to enable the House to come to a conclusion on this important subject from the elements which might come to their hands. It was undoubtedly right, that, in coming to that conclusion, they should consider the interests of this country, but it was no less incumbent upon them to consider the interests of the inhabitants of India. Shortly after the Act had passed in the year 1833, under which the government of India had since been conducted, William IV., in a speech from the Throne, said—

> "I have the most confident expectation that the system of government thus established, will prove to have been wisely framed for the improvement and happiness of the natives of India."

The question to be considered now, was, whether that prognostication had turned out true, and whether the system which the Government of that day introduced, and which became law, had tended to the improvement of the people of India. The system established in 1833 was now put upon its trial, and the point to be considered was, whether from the apparent results of that system it was one which ought to be perpetuated, or whether it ought to be discontinued. The right hon. Gentleman the First Lord of the Admiralty had stated that the tree ought to be judged by its fruits. He believed if the House did so, it would be found that those fruits were not wholesome and delicious fruits, agreeable to the appetite and pleasant to the taste, but those fruits that were found in the fabled garden, and which Milton assigned to the rebellious spirits — within they were bitterness and ashes. An hon. Member had complained that he (Mr. D. Seymour) and other hon. Members sitting below the gangway — the Young India school, as he was pleased to call them —who had certainly carefully studied this subject, and had used every endeavour to obtain the best information upon it, were in the habit of taking exaggerated views of things connected with India, and of always looking at the worst side of the picture. That might be accounted for in two ways: it might be either from ignorance of where to turn to see the bright side, or it might be that the picture presented no bright side at all. What were the tests they ought to take, in order to try the merits of the system? He would ask whether, by the present system, peace was encouraged—whether the works of peace, such as canals and roads, the means of transit and internal traffic, flourished—whether there was a sound and upright judicial code—whether a system of law was established that was cheaply administered, and that agreed with the wants and habits of the people—whether education was promoted and religion aided—whether, in a word, the social and political good of the people was effected or not? If he reviewed the history of the last twenty years, he found, that instead of peace, the system had been the instigation and the cause of war—that instead of creating works of peace, it had fallen short of the works even of the uneducated and untutored chieftains of ancient times—that in the Presidency of Madras one-fifth of the canals had fallen out of working order—that education had been neglected—that the judicial system was a disgrace to the country—that law was overborne by technical difficulties—that forgery, fraud, and falsehood were perpetrated and encouraged. If he found that these things were so, then he said he must exercise his right as an independent Member, and vote for the Amendment which the noble Lord opposite had introduced in such an able and lucid speech. Now, look at the first test, the question of peace and war. He asked the House what they had gained by the last five wars—four of which were aggressive wars, waged against independent and unoffending neighbours? What had they gained by the Affghan war? What by the war with the Beloochees in Scinde? What by the war with the Mahrattas in Gwalior? What by the war with the Sikhs in the Punjab? What would they gain by the present Burmese war? What was the Affghan war, but an unprovoked aggression upon an independent neighbour, in which 12,000 men, the flower of our army, were offered up, a hecatomb, as it were, to our ambition and avarice? What was the war with Scinde? The excuse made, was, that it was for the purpose of obtaining the command over the navigation of the Indus, and thus to promote commerce with the central part of Asia; but the result was that the Ameers of Scinde were cajoled—conditions imposed upon them which it was impossible to comply with; and, finally, they were deposed, and their territories annexed. In the Punjab, taking advantage of civil dissensions, an army was marched to the Sutlej, and, after four pitched battles on the banks of that river, it succeeded in gaining possession of the country, but, from misgovernment, it became once more necessary to march an army of 35,000 men to the banks of the same river. But had the means of supporting the Government been increased by that expedition? On the contrary, it added glory to the British arms, but did little service to the commercial interests of the country. The assumed revenues of the Punjab were about 1,300,000*l.*, and the civil charges amounted to 1,120,000*l.*, thus leaving a surplus of 180,000*l.*; that charge did not, however, include military charges, which might probably amount to a burden of 800,000*l.* per annum. In Sattara the case had been almost similar, and in 1852, in a communication from the Court of Directors to Lord Dalhousie, it was stated we were not prepared to find that the annexation of Sattara would entail a charge on the general resources of India. The hon. Member for Montrose (Mr. Hume) had attempted to vindicate the Court of Directors from the Affghan war, and letters had been published, written by some of the Directors, deprecating the war; but Sir John Hobhouse, now Lord Broughton, then President of the Board of Control, avowed that he was the author of the system under which that war was commenced. The system had been weighed in the balance, and ought to be condemned by the House. But he would now advert to the financial position of India. In 1842, Sir Robert Peel, speaking upon the affairs of India, said—

> "Depend upon it, if the credit of India should become disordered, if some great exertion should become necessary, then the credit of England must be brought forward in its support, and the collateral and indirect effects of disorders in Indian finances would be felt extensively in this country."

What had been the condition of the revenue during the interval between 1838-39 and 1850-51? Except in the year 1849-50, when an accidental increase of revenue took place on account of the opium trade, which was always very precarious, there had been a deficit. When the last Act for the Government of India became law, the national debt amounted to the sum of 30,000,000*l.*, while in the year 1853 it had increased to the sum of 50,000,000*l.* During the existence of the late Government, the then President of the Board of Control, in speaking of India, said—

> "There cannot be a doubt that India will be able to fulfil any expectations that may be formed of her. We are now at peace, and may well expect that the future resources of India will have an opportunity of developing themselves undisturbed by the miseries of war."

At the very time that the right hon. Gentleman thus spoke—when he said, "We are now at peace "—we had opened batteries against the walls of Rangoon, and British cannon were sounding the alarm of the Burmese war. He would now call the attention of the House to a few statistics, which he would read. The public debt of India, bearing interest, as it stood before we commenced our career of conquest and annexation, was, in 1792, 7,129,934*l.* After commencing that career, it stood as follows:—In 1814, 26,970,786*l.*; in 1829, 39,377,860*l.*; in 1850, 50,847,564*l.* To which last-mentioned sum must be added 5,000,000*l.* supplied from the commercial treasury of the Company in aid of the Indian finances during the currency of the Charter, which ended in 1834. The average annual deficiency in the last five years of the Charter—years of peace—which terminated in 1814, was 134,662*l.*; in the next five years, principally war, which ended in 1818-19, 736,853*l.*; in the five years of peace which ended in 1823-24, 27,531*l.*; in the five years ending in 1828-29, three of war, 2,878,031*l.*; in the ten years ending 1849-50, 1,474,195*l.* The estimated deficiency for 1851-52, was 780,000*l.* This, then, was the financial condition of India under the present system, which, he maintained, had brought the Exchequer of India almost to a state of insolvency. The opium trade had been the means of keeping up the revenue of the country, precarious as that trade was. Now, look at the condition of the land revenue. From Mr. Dickeson's work he found that in the four years between 1849-50 and 1845-6 the land revenue in Bengal had fallen off nearly 30,500,000 of rupees; in Agra 25,000,000; in Bombay 21,000,000; and in Madras, 24,000,000. That was the state of the land revenue. Let them look to the state of the salt duties. He had no complaint to make against the reduction of the salt duties, which all agreed was the great necessary of life in India. But, in consequence of that reduction, the receipts had fallen off in Bengal twenty-three lacs of rupees, in Agra two lacs, in Bombay two lacs. The revenue was, then, decreasing, and nothing was taking its place. Let them look next to the customs duties, which, between 1849-50 and 1845-6, had increased in Bengal 12,000,000 of rupees, and in Agra 10,000,000. But in Madras the customs had fallen off upwards of 18,000,000 of rupees, and in Bombay more than 6,000,000. Now, if these figures were correct, he would ask the House if it did not show the deplorable condition of the Indian Exchequer? These were some more of the fruits by which the tree was to be judged. Then again the return showed a great falling off in the Indian imports and exports. Such a falling off, when England had been making such great advances, ought to induce the House to pause before perpetuating a system which had involved the revenues and the exchequer of India in a state of almost hopeless insolvency. Now, what was the House called upon to do to meet this state of things? Were they to put on fresh taxes? In this country the population were taxed at the rate of 2*l.* per head; in India the taxation was at the rate of only 4*s.* 5*d.* per head. Would any one be bold enough to assert that the taxpaying powers of the people of India could be extended? On the contrary, he believed they were taxed to the very utmost. The house tax had been tried at Benares, and a double salt tax at Bombay, but without effect; and he believed that all attempts to impose new taxes in India must fail. The people were groaning under the system of rackrent of land—under the ryotwar, and under the zemindary systems—systems which reflected eternal discredit on this country, and which must continue, unless their rulers should have the wisdom to remedy the evils caused by the rash legislation of our forefathers. There was nothing left for India but that which had been suggested by the hon. Member for Manchester (Mr. Bright), and which was comprised in three words—economy, retrenchment, and reform. It was impossible to lay on new taxes, or to increase the taxes at present in existence, for the people at this moment were overtaxed. But by pursuing a system of economy and retrenchment a great deal might be done, and ere long the people might be better able to bear the necessities of the country. He would now turn to the question of public works. When Lord Auckland went out to India, he boasted that he would encourage and be the patron of public works in that country. There was something in the circumstances of the past history of India, and in the appearance of the remains of ancient works of art, to encourage him in such an enterprise, for he could not help seeing most important specimens of the skill and industry of the inhabitants of that country in the embankments then broken down, and the artificial canals then choked up. Under such circumstances, what was the duty imposed on the Government? Was it not to spend a fair proportion of the finances of the country upon the development of its works—upon irrigation, upon canals and reservoirs, and other means of subduing the great water-power to the use of the inhabitants? But nothing of the kind had been done. And on this point he had a remarkable statement, to which he wished to call the attention of the House and of the hon. Member for Honiton (Sir J. W. Hogg) in particular. It was an extract from the *Friend of India*, alluding to a speech made by the Chairman of the East India Company, on the subject of the state of intercommunication between Bengal and the North-western province, in 1850:—

> "A previous mail brought us the report of a speech delivered by the Chairman of the East India Company, relating to the expenditure on public works. We venture to say that no statement from India has been received in this country with greater astonishment and incredulity. We have made it our business carefully and diligently to notice every public work executed in India during the period under review; from their extreme rarity they can scarcely escape notice; and we can appeal to any one whether, if he were told that even one-half the sum had been expended between 1837 and 1846 on these subjects, he would not consider a very unreasonable demand had been made upon his credulity."

The hon. Baronet felt the force of the extract. [Sir JAMES W. HOGG: I was not Chairman at the time.] The hon. Baronet said he was not the Chairman at the time that occurred. He would assume that the allusion was to a Chairman of the East India Company, and that Chairman was clearly refuted by that writer on the public works in India. He now came to a passage in which the hon. Member (Sir J. W. Hogg) was expressly named. It was contained in a book written by Mr. Chapman on the state of cotton and the roads in India. Mr. Chapman said—

> "A gentleman high in the service of the East India Company wrote home in August 1850, and said, 'I was very much surprised to read so bold an assertion by Sir James Weir Hogg, that we had roads in Guzerat. There is not a single mile of made road there. You should send out a few questions, the answers to which would remove such ideas.'"

[Sir J. W. HOGG: Hear, hear!] He was informed that Colonel Outram and Major French, who had both been in India, and who were now in this country, joined issue with the hon. Baronet; and if there was boldness in his assertion, there was equal boldness in his cheer on the present occasion. He now came to the condition of Madras; and any one acquainted with British India would bear him out in this—that the prosperity of that Presidency depended peculiarly upon the condition of public works and irrigation, because the waters of the Godavery and Kishna were greatly affected by the monsoons, and required artificial channels to correct their overflow. But it would scarcely be believed that it was not until the year 1848 that the Government of India first directed its attention to the actual condition of the works in Madras. The land which in 1803 produced 206,000*l.*, in 1844 produced only 177,000*l.*; and the population during that period had fallen from 700,000 to 400,000. And to what was this falling off attributable? To the deficiency of public works. In 1848 something was done to alleviate the condition of the people of that district, but by an expenditure of only 50,000*l.* He would just cite one important fact, to show the importance of the extension of inter-communication with India. Mr. Chapman had framed a sort of statistical table, showing the bearing which our relative intercommunication with distant countries had on our manufactures which are sent to those countries. From that statement it appeared that the consumption of our manufactured goods per head was—in the British West Indies, 14*s.*; in Chili, 9*s.* 2*d.*; in Brazil, 6*s.* 5*d.*; in Peru, 5*s.* 7*d.*: in Central America, 10*d.*; whilst in India it was no more than 9*d.* He considered that fact worthy of the attention of the House, and as proving the case with which he started. Again, let the House look at the importation of Indian cotton. For the last eleven years the import of that article had been stationary, whilst the import of American cotton had increased from 1,018,000lbs. to 1,784,388lbs. How was that to be accounted for? America had 11,000 miles of railway; but in India, for which so little had been done, the expenditure for railways had not been more than sufficient to place 100 miles in course of construction. After what had been said on the condition of law and justice in India, he would not trouble the House with many observations on that subject; but he must be allowed to recall to the recollection of the House an observation made in 1833 by the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay). The right hon. Gentleman said—

> "I believe that no country ever stood so much in need of a code of laws as India, and I believe also that there never was a country in which the want might so easily be supplied."—[3 *Hansard*, xix. 531.]

But the right hon. Gentleman had recently made a speech, which, notwithstanding its great eloquence, he could not help saying savoured much of sophistry, because he was found dwelling on the one redeeming feature of the Bill—namely, competition and patronage. He would ask the right hon. Gentleman where was the code of which he was so confident in 1832? It was ready in 1837; but, in consequence of the battledore and shuttlecock game played between the Board of Directors and the Board of Control, under the name of a "double government," it had never become law, and the prophecies and hopes of the right hon. Gentleman had been entirely without foundation, while the code was probably reposing quietly on some of the shelves of the Council in India. He would not stop to inquire into the police system; which had been described as in a state of coma; but he hoped the result of this debate would teach all parties that they must awake, and that the whole administration of law and justice in our Indian Empire must be placed on a different footing. With respect to education, he agreed in the remarks of the hon. Member for Manchester, and deprecated the introduction into India of religious prejudices, which were a disgrace to this country, and which had long been such a festering sore in the condition of Ireland. It was notorious that under the old Hindoo rule every village had its educational school; but in the Madras territory of 140,000 square miles there was not one single educational school, and in Bombay a very small sum indeed had been expended for the purposes of education. One word as to the land system pursued in Bengal. He considered it a most gross and outrageous confiscation, and its evils were borne testimony to by Mr. Campbell and the *Friend of India.* Then let the House look at the condition of Madras, where the ryotwar system was in force—a system under which the wretched people were made to pay all they were able to pay, the Government then taking credit to itself for not taking more. By that system some 700,000 square miles were placed under one or two collectors, assisted by some incompetent subordinates and a gang of informers. Of that system Mr. Campbell said—"If the collector were one of the prophets, and lived in the same district to the age of Methusaleh, he would not be fit for the duty." Now, with regard to the Native States of India. The army of the British Government—Royal, European, and Native—was maintained at a cost of 289,529*l.*, paid by 100,000,000 of its subjects; whilst the armies of the Native Princes were maintained at a cost of 398,918*l.* paid by 53,000,000 of people. Our system in that respect was stamped by the grossest injustice. Besides all these matters, these wrongs in India, which showed that one great maxim of this country was not applicable to India—for these wrongs existed without a remedy—wrongs to the Native Princes and the royal family—wrongs to the Rajah of Sattara—wrongs to the plundered Parsee merchants, and he might be permitted to allude to one case which had especially been brought under his attention, and which reflected eternal discredit on the system—he alluded to the case of the Carnatic stipendiaries. He believed that in the whole record of our history as a nation—in the whole history of our rule in India—nothing more disgraceful, more calculated to rouse the outraged feelings of humanity, had occurred than the mode in which the East India Company had robbed the Nabob of Arcot of the throne of his forefathers, and put in his place their nominee to be the fitting engine in the hands of the Government (to quote the words of the Governor), "for carrying out their objects of plunder and annexation." A treaty was entered into in 1801 with the Nabob of Arcot, which treaty was still in existence, by which a sum of money was vested for ever in the royal family of the Carnatic. And what was the condition of that family now? The East India Company had broken faith with them, and had trampled on that treaty, and some of the descendants of the Nabob Arcot were at this moment suffering upon one rupee per month—exhibiting a living and appropriate instance of the fraud, treachery, and injustice by which our rule had been extended in our Indian Empire. In 1846 the Carnatic stipendiaries petitioned the Governor of Madras, asking that Governor to send their petition home; but they received no answer. They then sent over a representative to seek redress in Leadenhall-street; but he was sent back without being successful. He would just say, in conclusion, with regard to the Home Government, that the only two powers which the East India Company, according to Mr. Mill, could exercise, were the power of suggesting measures, and the power of commenting on measures after they had been resolved upon; and this was quite in harmony with the admission made by Mr. Jones, that, "after all the labour and thought that might have been bestowed on Indian affairs at home, India must nevertheless be governed in India." He could use no better argument against this double agency at home, the only effect of which could be to keep up a mask and a sham, and to shift from the proper shoulders the load of responsibility which they ought to bear. Then, as to the Secret Committee, Lord Hardinge had spoken of it as "a mystery not understood by the public, why the Board of Control should give an order to the Secret Committee." And he adduced as an instance of this, an officer of high position and ability in India having written a letter couched in somewhat indignant terms to the President of the Board of Control, complaining of the conduct of the Secret Committee; and it was not until named by Lord Hardinge, that the President was in fact the Secret Committee, that the writer of the letter was made aware of the fact. This was only another illustration of the mask and the sham which was kept up to hide from public view the real source of responsibility. But if the power of commenting on measures was a nullity, and if the present Bill stripped the East India Company of the whole of the patronage, then, he asked, what was left to the Company but interference without influence, and rights without responsibilities? In conclusion, he would say that, if we were true to ourselves and the trust that had been reposed in us, and if India were true to herself, self-confident, and self-sustained, she would not lag behind in the path of progress that lay before her, but would be seen coming up from the wilderness leaning on the arm of British sympathy, and guided by the genius of British reform.

Sir CHARLES WOOD hoped the House would excuse him if he asked them to descend from the elevation to which they had been led by the poetic imagination of the hon. Gentleman, and turn away from that sight in the wilderness, of India "leaning on the arm of British sympathy," to the more practical question whether they were or whether they were not to read a second time the Bill for the Government of India. They were drawing, he hoped, to the close of this discussion, in which, looking to the state of the House, not only that night but on previous evenings, it would appear that a majority of the House took but a small interest. He hoped, therefore, they would be able, before that evening closed, to come to a division on this most important question. He would trespass on the patience of the House for a very short time; but, holding the position which he had the honour to fill, there were some observations which he felt it incumbent upon him to make in answer to statements that had been brought forward in the course of the debate. It was remarkable that in the course of this discussion very little indeed had been said in favour of the Motion of the noble Lord the Member for Lynn, and still more remarkable were the diversities of opinion and the contradictory arguments that had been urged in its support. Probably it was foreseeing this would be the case that led the noble Lord to say the *onus* of proof lay with the promoters of the Bill; for if his Motion were to depend upon the arguments brought forward in its favour, one set of those arguments might be made to pair off against the other. He denied that the *onus* of proof lay with the promoters of the Bill. It was incumbent on the House to provide for the future government of India, seeing the present system of government would come to an end next year, and the *onus* of proof, therefore, obviously lay with those who opposed the natural and ordinary course of proceeding. The noble Lord said that in former times, when the Charter expired, a Suspension Act was passed—that previously to the expiry of the Charter the Government came forward and provided for the future government of India by a temporary measure —[Lord Stanley: I did not say so.] He had only to say that he took down the words used by the noble Lord at the time, and he added that there was no insurrection in India in consequence. If he did not make this statement, then he must say he had grievously misapprehended what fell from the noble Lord on that occasion. The argument of the hon. Member for Montrose was, that there ought to be delay in order that communications should be received from the Board of Directors. He complained that the Court of Directors had only very recently been informed of the nature of this Bill, whereas in 1833 a long correspondence took place previous to the Bill being introduced. But the question was now very different from what it was in 1833. The Act passed in that year involved an interference with the privileges of the East India Company as a commercial body, and with their interests as traders; and a considerable time was required to enable them to wind up the commercial concern. But now there was nothing of that kind. They were merely trustees for the Government of India; and it rested with the House to say in whose hands the Government of India should be placed for the future, and what the nature of that

Government should be. The hon. Member for Montrose said, he considered it of importance to wait for evidence from India; whereas the noble Lord, on the contrary, said, he attached little or no weight to the evidence that might be derived from India. He had listened with the greatest attention to the speeches which had been delivered in the course of that evening, as well as on previous occasions, and had heard a great deal of detail and many opinions given as to the various modes in which the Government of India should be conducted, both at home and abroad. Among others, the right hon. Gentleman the late President of the Board of Control went into considerable detail with regard to the mode in which he would govern India; but not a single word had been urged as a reason why they should delay proceeding with this Bill. There had been proposed various Amendments to clauses of the Bill; but little or no argument had been adduced in favour of delaying the Bill itself. The only real argument he had heard urged in favour of delay was that brought forward the other evening by the hon. Member for Manchester, who gave a reason, which, whether good or bad, was at least intelligible, and he was supported in it by the hon. Member for Richmond. The argument amounted to this, "Give us two years' delay, that we may agitate to pull down the East India Company." Now, this might be reasonable enough argument on the part of those who wished to pull down the East India Company; but the hon. Member for Montrose, who wished to keep up the Company, nevertheless joined the hon. Member for Manchester in asking for delay—the object of the one being to pull down, and of the other to keep up, the East India Company. Now, that those who thought the Government of India nearly perfect, and wished to perpetuate it, and those who attributed to that Government every abuse that occurred in India, should both unite in wishing for delay, seemed to him to be the most contradictory kind of support that could be given to any proposition. It did not seem to him that agitation was the proper mode of settling a question of this importance. To decide what the future Government of India should be was a question second to none that could be brought forward, and it was one that required the calm and deliberate consideration of that House. He trusted, therefore, the House would not be led away from the fair and full consideration of this question on the ground of an appeal to public opinion. Such was not the proper mode of obtaining the calm and deliberate judgment of that House, and he hoped they would not jeopardise those important interests that were at stake by refusing to deal with the question as it now came before them. The ground on which the hon. Members for Manchester and Richmond desired delay was, that the subject might be submitted to public opinion; and they seemed to consider that that public opinion, agitated by such speeches as had been delivered on this question, would be the best mode of settling the whole controversy. He did not think, however, that that would be the wisest mode of determining a question of such importance as the future government of India: and he believed a majority of that House would see the propriety of not giving in to such a proposal merely in order that the system of governing India might be pulled down by agitation. Reference had been made to an expression which he quoted from Mr. Mill, that enlightened public opinion was the best security for good government. To that opinion he subscribed; but he believed, also in accordance with Mr. Mill, that unenlightened public opinion was the worst authority to which they could appeal; and he must say that if public opinion was to be enlightened by such statements as were made in that House on this subject, it would be very greatly misled indeed. He must say that the mis-statements that had been made, embracing, as they did, every prejudice that could be excited against those who administered the government of India, exceeded anything that he ever remembered to have been made in that House. The hon. Member for Manchester told them, the other night, that a report on public works, which had been received in this country, had not been laid on the table of the House; and then he imputed to the East India Company the most unworthy motives for withholding such a report from the House. Now, he thought the hon. Gentleman might have had the charity to suppose that the Company were not actuated by any improper motives; and if he had referred to the Votes of the House, he would have found that the report in question was laid on the table in August last, and that his complaint was entirely without foundation. Then the hon. Gentleman (Mr. Blackett), on a former occasion, stated that the financial accounts of the East India Company had not been laid on the table of the House according to Act of Parliament, and argued that they had, in consequence, forfeited their Charter. [Mr. BLACKETT here gave an explanation of his statement.] The hon. Gentleman was bound to ascertain from the best possible authority what the fact was, and if he had referred to the Votes he would have found that on the 14th of May that report was laid on the table of the House, three days before the time prescribed by the Act. Then, in taking his information from the appendix to the Committee's Report, his hon. Friend had made what he must call as ludicrous a mistake as it was possible to make. In giving an account of the outstanding arrears of rent for twenty years, the amount of arrears was stated at the end of each year; but his hon. Friend had added the outstanding balance at the end of each consecutive year, and then came down to the House and said the sum of the whole was the amount due from the land revenue of India that had failed to be collected. They had heard a great deal about the salt duty, and more than one Gentleman had referred to the diminished consumption of salt as a proof of the miserable condition of the people of India. The hon. Member for Manchester quoted from an Indian newspaper a statement to the effect that there been a great falling off in the consumption of salt; but he did not take the trouble to refer to the next number of the same newspaper, which stated that an unwitting mistake had been made to the extent of 40,000 tons. But the great mistake committed was taking the revenue as a criterion of the falling off of the consumption, totally forgetting, in the comparison which had been made of one period with another, the fact that in the meantime the duty had been reduced. In Madras, where there was no reduction of duty, the revenue had increased; in Bombay it had also increased; but in Bengal there had been a reduction of 25 per cent in the duty, and the amount of revenue showed a diminution. The hon. Member for Sunderland spoke of the miserable condition of India, and of the consequent impossibility of the people taking so many of our goods as other countries did. But the hon. Gentleman forgot that there was a considerable domestic manufacture in India, and that if we sent manufactured goods there, we displaced, to a great extent, the domestic manufacture of that country. To suppose, therefore, that our manufactures should go there, and that the quantity exported should increase as rapidly as in Brazil, and other countries where little or no native manufacture existed, was to show a total disregard of that which must necessarily be the state of the exchange of their respective produce between two countries. Notwithstanding this, however, within the last ten or twenty years our exports from India had increased far more in proportion than the total exports of this country. From India they had increased about 112 per cent, while the total exports of the United Kingdom had increased in nothing like that proportion. Then the hon. Gentleman referred to a quarrel between a couple of zemindars which was fought out with spirit, and a policeman who was looking on never interfered to prevent it. This the hon. Gentleman quoted as a proof of the wonderful deterioration which had taken place under our rule in India. Well, he was sorry that that should have taken place; but he had heard in this country of the inefficiency of parish constables, and of faction fights in Ireland which had not been interrupted, yet he had never heard such things alleged as reasons for altering the whole of our constitution, and abolishing the system of King, Lords, and Commons. But, supposing it to be true, even to a greater extent than the hon. Gentleman alleged, was it or was it not an improvement on that state of things when they were exposed to a troop of Sikh horsemen dashing over the whole country, and plundering every village? He certainly felt justified in saying that whatever external war there might have been, internal war and dissension had entirely given way under the dominion of British rule in India. The hon. Gentleman had read some account of the miserable state of the ryots in Bengal, from, he believed, the *Calcutta Review*. But if the hon. Gentleman would turn to the pages of the *Quarterly Review*, or to *Blackwood*, he had a very strong impression he would find descriptions of the miseries of this country—of deserted homesteads, and famishing labourers—owing to free trade and the abolition of the corn laws, quite as harrowing as any which he had quoted. If he went no further even than the speeches of the hon. and learned Member for Suffolk, not more than six months ago, he would find accounts of misery in this country quite as appalling as that which he had read of the state of the ryots in Bengal. After all, too, that misery existed under the system which the hon. Member for Manchester recommended. That hon. Member always confined his indignation to their not establishing a system of landowners in India similar to that which existed under the permanent system of Bengal. Yet it was under that permanent system, so created, that the misery existed of which he had read an account, and which was to be attributed, not to the exactions of the Government, but to the exactions and extortions of those landowners of whom the hon. Gentleman so highly approved. The hon. Member for Manchester referred to some evidence which he said had been taken before the Committee, though it had not been reported, depicting the miserable state of the inhabitants of Bengal. At all events, there had been one witness who, in the strongest language and with the utmost fervour, had contrasted the condition of the people in the British dominions in India with that of those who were still under native rule. The hon. Member for Sunderland went at some length into the state of the revenue of India, and described it as all but bankrupt. He (Sir C. Wood) should not have thought it necessary to take much notice of that, except that statements of the kind, if allowed to pass uncontradicted in that House, might alarm the people of India, or those who depended for their incomes upon the interest of the Indian debt. He would state, therefore, how little foundation there was for the apprehensions in which the hon. Gentleman had indulged, and which had been sanctioned, also, by the hon. Member for the West Riding. It was perfectly true that, since the last Charter, India had been engaged in a very considerable and expensive war, and, no doubt, a great addition had been made to the debt in that period; but the whole Indian debt at this moment was less than two years' revenue of India, and that, certainly, looking to what we were accustomed to in Europe, was no very formidable amount. The increase in the debt, since 1833, was about 500,000*l.* per annum, while the increased land revenue from the same territory was upwards of 2,000,000*l.* per annum. The additional charge, therefore, was one-fourth of the additional income, independently of the income of the new territories, which amounted to about 1,500,000*l.* more. The hon. Gentleman had corrected him when, on a previous evening, he stated the Indian revenue at 26,000,000*l.* He (Sir C. Wood) knew at the time, however, that he was rather understating than overstating it. On looking at the returns of the last three years, he found that the revenue in 1850-51 was 27,000,000*l.*; in 1851-52, 28,000,000*l.*; and in 1852-53, 29,000,000*l.* In 1849-50, there was a surplus of 354,000*l.*; in 1850-51, a surplus of 415,000*l.*; in 1851-52, a deficiency of 469,000*l.*; and in 1852-53, paying the probable expenses of the Burmese war, a surplus of 544,000*l.* With an income, then, increasing at the rate of 1,000,000*l.* per annum in the last three years, with in three years out of four a surplus, and with the whole debt less than two years' income, he could not say that such a state of the finances ought to inspire them with very great alarm of total and immediate bankruptcy. There was another remarkable statement as to our acquisitions in Scinde. An able officer had the command there. He had taken up his quarters at a small mud port, with very few inhabitants. The exertions of that officer, in laying out roads, and promoting irrigation, had been such that that place was now a flourishing town with 10,000 inhabitants. That was the manner in which the country had been improved under our rule; and so much for the accuracy of the statements which were made to prove the inefficiency of the present system of government, which, nevertheless, the hon. Gentleman who had attacked it wished to preserve by supporting the Motion of the noble Lord for delay. He confessed that he thought every argument which had been used tended in favour of the second reading of the Bill, and against delay. They had not in the least impugned the authority of the Marquess of Dalhousie's opinion, which had not been given in answer to any leading question from him (Sir C. Wood), and which he thought, therefore, was entitled to the greater weight; but they had referred to the opinion of the editor of the *Friend of India.* Now, he would read one short extract from the letter which that gentleman had addressed to Mr. Bright upon this subject of delay. That gentleman knew what had taken place in that House, what the arguments both for and against delay were, and this was his deliberate opinion:—

> "I will venture to assert, after witnessing the mode in which the Indian campaign has opened in Parliament, that nothing could be more disastrous for India than to prolong this 'agitation' for two years, during which the 'intelligent natives' would be led, however erroneously, to imagine that their representations would be welcome to their friends

> in England in exact proportion to their virulence and unscrupulousness. Two years of such unhealthy agitation, by raising hopes which must be disappointed, and fostering a spirit of disaffection to the British Government, might even tend to shake the principle of loyal obedience in the native community."

He trusted that those who were not prepared to trifle with this great question, but who had regard to the safety of that empire, would take that opinion of a person who was competent to give an opinion, if any one was, and who was quite independent of the Government, and would not be led away into supporting a Motion for delay from which no possible good, but much mischief, was likely to arise. One of the first objections which had been taken to the Bill was, that it was enacted for no fixed term; and upon that question of the effect of there being no fixed term, nothing could be more absurdly contradictory than the opinions which had been given by the various Members who had spoken. The noble Lord said, that the measure of the Government was clearly an experimental one; the hon. Member for Montrose said that it was merely a provisional one; and the hon. Member for Manchester said that it was more permanent than a lease for twenty years. It was difficult to answer arguments on both sides. If they would only tell off one against the other, he should know where he stood; but, really, the mode in which the hon. Gentlemen who had argued it contradicted themselves on this question was quite ridiculous. The noble Lord thought that one great advantage in a term was, that the attention of the country became at that period concentrated upon India, and they then must legislate, whatever were the circumstances. Was that the best mode of arriving at a deliberate conclusion upon a matter of this nature, determining that, whatever the circumstances, whether there were war or what not, they must deal with a question of that vital importance? The hon. Member for Montrose said, that they proposed a "provisional government." Why, they proposed to place the Government of India upon the same footing as the Government of this country. Was the Government of this country provisional? The hon. Member for Elginshire said that they were putting it upon a footing so fluctuating and insecure that it depended upon the "Aye" or "No" of that House. Was that putting it upon the footing of this country? When they placed the Government of India upon the same footing as the Government of this country, as the government of our colonies, and of everything else which we possessed, he could not think that they were open to the charge of putting it upon a fluctuating and unstable basis. The hon. Member for Montrose had certainly used an extraordinary argument for him, for he had advocated the exploded doctrine of finality, and had stated as his objection to the measure that it was one which might be altered and amended as time and circumstances might require. Such an argument to come from so ardent a reformer as his hon. Friend, he confessed he had never yet heard. He had heard many declamations against finality; but such a bold assertion in favour of it he had never heard in that House or elsewhere. What said the noble Lord? He said that this measure was—

> "so obviously experimental that it was left open to alteration from year to year. It would have been better to come forward with a well-considered plan, and to say 'Here is a constitution for India; be it good, be it bad, let it have a fair trial.'"

That was exactly what the Government did. Here was a measure which they considered to be the best that they could give. In their opinion it was the most wise and prudent that they could adopt. They believed it to be good; and, if good, they believed it would be permanent; but if experience should prove it to be bad, and if it should not answer their expectations, it might be altered as time and circumstances might require. Were they to be told, then, that it was an objection to any measure for the government of any country, that those who proposed it believed it to be the best they could propose, but that if time and circumstances showed amendments to be necessary, they would not be deterred from amending it by any doctrine of finality such as was proposed by the hon. Member for Montrose? Several hon. Gentlemen had referred to the opinions of natives of India; but the natives appeared to have come to a much wiser conclusion than the hon. Gentlemen who attached such importance to their views; for since the discussion of the present question a second petition had come home from the Native Bombay Association, and this was the opinion which they expressed with regard to a term of years:—

> "Your petitioners, not foreseeing the chance of arousing the interest and attention now bestowed on Indian affairs, petitioned your hon. House to

limit the period of existence of any future Government of India to ten years; but your petitioners are now emboldened to ask your hon. House not to debar them for any period of years from requesting a revision of what may be injurious in the coming India legislation. It is simply necessary to pass an Act providing for the best form of government both in England and in India, without limiting its duration to any number of years —an Act which like any other statute, might, if deemed requisite, be modified, altered, or repealed as occasion might require. It cannot be necessary to embrace all the subjects involved in the discussion of Indian affairs in one Act; and the constitution of the Home Government, the constitution and powers of the several local governments, the construction of a new judicial service, and each independent branch of inquiry, if made the subject of separate legislation, would, in all probability, receive more careful attention, and be more satisfactorily disposed of than if the entire mass of Indian information be gathered together in one, and thrown into a single enactment."

That was exactly the course which they were taking. They proposed a Bill for the Government of India, not embracing the whole Indian question in one Act—one which, if it answered their expectations, would be permanent, and, if not, might be altered as circumstances required. He did not think that he need make any observations upon the subject of patronage. The noble Lord said, that he entirely concurred in the principle of admission by competition. The noble Lord, indeed, suggested some alteration in the mode of regulating that; and all he (Sir C. Wood) could say was, that there was nothing in the Bill which prevented the consideration of those points in Committee. The last question upon which the noble Lord had given an opinion was as to the form of the home government; and it must be observed that, not only was the noble Lord himself in favour of a double government, but that scarcely any one in the House had advocated a single government. The noble Lord said, that the double government ought to be reformed, and that the Board of Control should be a constituent part of the Government of India. His hon. Friend the Member for the West Riding had quoted Mr. Halliday's opinion; but he had not exactly quoted that gentleman's words, but had made him say that the double form of government was exceedingly bad and mischievous. What Mr. Halliday had said was:—

"I have a very high opinion of the mode in which the Government of India has been conducted in all its branches. . . . I would recommend nothing like organic change, nor anything beyond careful, and even, I may say, experimental alteration at present, in a matter of such very great importance."

To substitute a single for a double government, however, would be an "organic change" of a most radical description. In the course of the present discussion it had been said to them tauntingly, "You contend everything is so good, why do you change anything?" He was not aware that he said everything was good, or that he had not admitted that many things had been ill done, and many others omitted to be done in India. Still, he had thought it right to defend the Government of India from the indiscriminate charges which had been made against it; and he asked, was it not wise to make use of the Court of Directors, a body which did and must exist for the next twenty years, and against whose administration, so far as they had a share in the administration, no case of gross mismanagement had been proved? Almost every witness who had been before the Committee, whether connected with the Court of Directors or not, had pointed out, as the great fault of the constitution of the Court, that the necessity of a long and tedious canvass had deterred the best Indian servants from coming forward as candidates for a seat at the direction. That was the evidence given by Mr. Shepherd, one of the ablest Directors of the Court, by Sir H. Maddock, by Mr. Willoughby, by Colonel Sykes, by Lord Ellenborough, by Lord Hardinge, by Mr. Melvill, by Mr. Bird, by Mr. Robertson, and by Mr. Mill, every one of whom had great experience, and spoke with much authority upon such a question. That blot the present Bill endeavoured to remedy by the Government placing in the Court six experienced Indian servants. These, some might say, ought to be elected by the Court of Directors, and approved by the Crown. The Government thought that they ought to be nominated by the Crown; but this again was a question which ought to be discussed in Committee. There was another very important portion of this question, which was, the changes that were proposed to be made in the government—not at home, but in India. He entirely concurred in the statement that India must be governed in India, and that what we did at home was of far less importance than what was done there. The hon. Member for the county of Elgin said, that he would confine the changes to the Home

Government, because with that they were acquainted, while they knew nothing of the Government in India—

MR. CUMMING BRUCE: I did not say that we knew nothing of the Government of India, but that we should have the opinion of the Governor General, and of the local governors, before altering the system there.

SIR CHARLES WOOD continued: He had already stated that he had had the opinion of the Marquess of Dalhousie, and that the Bill had been framed in accordance with that opinion. He had had also the opinion of persons connected with the Government of India, and he did not know that they should gain anything by sending the Bill back again. The changes which they proposed were in entire accordance with the whole of the evidence. The Bill had now been in the hands of Members a considerable time, and he had not heard any material objection made to one single change that was proposed in the Government of India. With regard to a complete code of laws, none had been drawn up in a complete shape. One had been prepared by his right hon. Friend the Member for Edinburgh, which was now under the consideration of the Legislative Council in India, who were trying whether they could pass it into a law. The hon. Gentleman had found great fault with the Government for disregarding the opinion of Sir Edward Ryan, and other great law reformers; but if the hon. Gentleman had entered into the subject with his usual care, or had listened to his (Sir C. Wood's) opening statement, he would have known that the Commission to be appointed in India was at the suggestion of those very gentlemen; that the most ardent Indian law reformers were to be upon that Commission; and that it was in deference to their opinion that he had been obliged to postpone the Bill for improving the judicature in India. The great evil of having one legislative system for one part of India, and a different system for another part of the same country, could only be obviated by constituting one legislative body for the whole of India. He would not go further into these matters, though he must say they were questions of a most important nature. He would only say, that no objection having been raised to this measure which might not fairly and freely be discussed in Committee, it did not appear to him that any sound argument had been urged against the second reading of the Bill. He thought if they were to deal with the question as the noble Lord opposite proposed, they would be merely trifling with a most important subject—with the welfare, and possibly with the security, of our empire in India. That empire was of a most anomalous and extraordinary description. If well governed, it might be the strongest empire in existence; while, if ill governed, no one could deny that its position might be most critical. Now, what were the measures taken by Her Majesty's Ministers for promoting the good government of India? They had adopted, with regard to Indian government, all the suggestions of the most experienced Indian servants, which they thought calculated to provide for the security of our Indian empire. Lord Ellenborough had told them that they held the empire of India by the superiority of mind and intellect possessed by the persons whom they sent out to govern that empire; and Her Majesty's Government endeavoured, by their proposals with regard to the system of education, to improve still further the mental superiority of the persons employed in the public service in India. They had also been told that their power in India depended in a great measure upon the conviction of the people that they were better governed under the sway of the British than they would be under native rulers. That there were defects in the system of Indian government he was willing to admit. These defects Her Majesty's Ministers had taken the best means in their power to deal with, and he did not know any defect for which this Bill did not endeavour to provide a remedy. The questions relating to land tenures, improvements in public works, and other matters, were subjects which could not be dealt with here, but which must be dealt with in India; and Her Majesty's Government had, in this Bill, proposed the establishment of that machinery which they thought best calculated to promote in this respect the welfare of that important empire.

MR. DISRAELI: Sir, the right hon. Gentleman who has just sat down has complained of the imaginative powers of the hon. Member who preceded him in the debate; but he has himself shown that even in that respect he can successfully vie with the Member for Sunderland, for in his reply he appears to me to have answered several speeches which have not been yet delivered. The right hon. Gentleman has consequently occasioned several Gentlemen on both sides of the House to interrupt him in the statement which he has just made. It will be my lot, in the observations I shall presume to make, to have to comment on some statements that have been made by some hon. Members who have preceded me; but I shall endeavour to make those remarks in so fair a spirit that they shall not, I trust, call for the interference of any hon. Gentleman until I resume my seat; for I can assure the House that, when I consider the all-important subject before us, I would wish for nothing more in its discussion than that I should be able to imitate in some degree the example set by my noble Friend (Lord Stanley), in the temperate speech with which he introduced his Amendment to our consideration. I agree with the First Lord of the Admiralty in remarking with satisfaction the many intimations that have been given during this debate, of a desire, on both sides of this House, to come to the consideration of this subject in a calm and unimpassioned spirit. But, at the same time I must take the liberty of observing that I cannot but feel that hon. Gentlemen, in attempting to express so laudable a disposition, have been somewhat inadvertently betrayed into remarks which may lead to very inconvenient, very disagreeable, and even very dangerous misconceptions. We have been told frequently in this debate that this subject is not a party question—as if a party question were necessarily an improper question. We have been told frequently in this debate that the subject is not considered in a party spirit, as if a subject considered in a party spirit were necessarily considered in a partial and unjust spirit. Now, Sir, as we are all of us Members of that which is a House of party, and which, if it were not a House of party, you may depend upon it would not long exist in this country, I think this is a point on which there should be a clearer conception than at present prevails in this assembly. I look upon a purely party question as a question which concerns the distinctive principles of the two great parties into which a popular assembly is necessarily divided. Aristocracy or democracy—protection or "unrestricted competition"—an endowed Established Church or complete dependence on the voluntary system—these are principles perfectly distinct; they are professed by different parties; they are party principles; and if brought into discussion, the questions in debate are purely party questions. But it is taking a very limited view of a party question to confine it within the description on which I have ventured. Hitherto it has been supposed that, when any great legislative difficulty has been brought under the consideration of Parliament, there has been a noble and generous emulation between the two great parties who should solve the difficulty in the most satisfactory manner; and when there is a question of controverted policy, who should recommend the course most for the honour of the country, and most for the advantage and welfare of the people. Sharing these views, I confess myself that I cannot understand how a great party in this House can take refuge in neutrality on a subject like that which is before us, and shrink from expressing, without equivocation, the views they entertain. If we approve the proposition of Her Majesty's Ministers, we are bound, in my mind, to give to that proposition not only our support, but our cordial and complete support. If, on the other hand, we believe that it is a course of a very questionable character—if, further, we believe that it may lead to disastrous results—I deny that it is in our power to refrain from expressing our opinion. I say, we owe it to our constituents—to those who sent us here, and to the country—I say, we owe it even to ourselves—fairly to place before Parliament and the country the reasons why we differ from the course recommended by the Government, and to give Parliament and the country an opportunity of expressing their opinions between the two policies that are placed before their consideration. I know I may be told that party government tends to great excesses. It is my opinion that the excesses of party government are not greater—perhaps they are not so great—as the excesses which are experienced under despotic government; but, for my own part, I prefer the excesses even of party government to the excesses of despotic government; and I believe, Sir, we shall find in this country, the more enlightened it becomes, the greater and more powerful will be the check that party excesses will receive from the common sense of this House, and from the influence of that omnipotent opinion, the power of which we all recognise. I say, with these views, I feel it absolutely necessary that I should frankly express my opinion on the subject before us. I make these observations because I have the misfortune to differ on this question from many Gentlemen for whom I entertain great respect, with whom I act in political connexion, and for whom I feel great personal regard. For my own part, I cannot incur the responsibility of giving my approbation to the measure which the right hon. Gentleman has submitted to our consideration. The consequences of this measure will sooner or later be brought before us. Even if this government which we are now planning lasts for the space of twenty years, which has heretofore been the allotted time, there are many now present who may be here at the expiration of that period. I may probably not be here—it is not impossible I may—but there are many Gentlemen in this House, young men, devoting their time and their talents to the service of their country, who will probably be then taking an active part in public transactions; and when that time comes I shall be sorry if they should refer to the debates of this year, 1853, and regret that they were so wanting in sagacity and in moral courage, that because party inconvenience might accrue, they shrunk from expressing their opinions upon one of the important subjects that can engage the attention of Parliament. Now, there has been some controversy in this debate as to the exact subject which is under discussion. The Secretary to the Board of Control accused my noble Friend (Lord Stanley) of introducing a second subject into our debate. Now, Sir, it appears to me that that was an observation—that that was a criticism on the part of the Secretary to the Board of Control which was not well founded. It appears to me there can be no mistake whatever as to the question which is before us. It appears to me that that question is accurately, completely, and precisely expressed in the title of the Bill on the table of the House. What is the title of that Bill? It is, "A Bill to provide for the Government of India;" and an Amendment has been moved, which in effect says this, that this plan to provide for the government of India, while it disturbs much, really settles nothing; and that, if that be the case, considering the late period of the Session, and considering that a Parliamentary Committee has for two years been sitting investigating the condition of India, but which at this moment has not half fulfilled its office, it is expedient that we should wait for the increased information to be gained from the inquiries of that Committee, and that considering the late period of the Session, we should virtually continue the existing Act for the government of India, and hesitate before we pass a precipitate proposition, the consequences of which, we believe are not adequately understood by those with whom it originates, and which we think is not adequate to meet the necessities of the case. Shall we do this, or shall we not? That is the question before us. A plan for the government of India is proposed by Her Majesty's Ministers; we join issue on the point that it is an adequate and sufficient plan, and we say that under the peculiar circumstances of the lateness of the Session, and of the imperfect state of the Parliamentary investigation that we have ourselves authorised, we should pause in our progress. And this is a proposition that has been described as something singular and unprecedented—as something dangerous to England and perilous to India—a weapon borrowed from the enemy, an arrow from the quiver of Indian reformers—so gross and unheard of as not to be tolerated, certainly without authority, and likely to be attended with consequences which must be deprecated. Now, in the first place is it an unprecedented course? What my noble Friend wishes is this: there has been some talk of a term of two years being allotted to a Continuance Bill of the present Act; and some hon. Gentlemen have argued as if two years were to elapse before we began to legislate for India. On the contrary, what my noble Friend anticipates is, that Her Majesty's Ministers should take advantage of their autumnal recess—that they should mature a Bill which probably both Houses of Parliament would approve—that they should introduce that Bill to our notice when Parliament meets in February next—that it would perhaps pass in a month, and that it would receive the Royal Assent before the existing Act expires. That is what we propose, that is what we wish; and that is considered an unprecedented proposition. Let me see if it is an unprecedented proposition. Twice in this century has this question been under the consideration of Parliament. The Government of India has been the question submitted to Parliament twice in the present century, namely, in 1813 and in 1833. Now, what occurred in the year 1813? Among thoughtful statesmen it had been long a subject of lamentation and regret that, by a combination of peculiar circumstances, Parliament had ever been called on to legislate for India in a hurried and precipitate manner. I could quote—if at this time of the night, and having some other remarks to make, I could presume to quote—the opinions of some of the greatest statesmen and some of the gravest writers to that effect; but the authority to which I am going to refer is at least one which will not be questioned by a considerable portion of Her Majesty's Government. Late in the Session of 1813, in the month of June, a Bill for the Government of India was introduced into the House of Lords; and what was the course taken on that occasion by no less a personage than Earl Grey? Earl Grey came forward and said, "It is impossible to entertain this important question so late in the Session; this system of discussing Indian subjects—and the most important of all Indian subjects, the Government of India—at the fag end of a Session, ought no longer to be tolerated. I recommend that a Continuance Bill of the existing Act shall be passed, and that Her Majesty's Ministers, the Parliament, and the country should have the intervening space to consider a measure adequate for the occasion." Was Lord Grey alone in his opinion on this occasion? I am speaking, mind you, of the first instance when Parliament was called upon to consider this subject during the present century. I am speaking of the year 1813, when we were in the heat of the great European struggle, and when, certainly, if a Ministry could be excused for legislating somewhat precipitately, they might have found every apology that was necessary. We have been referred to another high authority by the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), and by the First Lord of the Admiralty (Sir James Graham), namely, Lord Grenville. Now, Sir, except Mr. Burke, there is probably at this moment no greater Parliamentary authority than my Lord Grenville. It is one of those names that not only suggests but commands respect. His reputation rises, which shows that Lord Grenville was a man beyond the age in which he mainly flourished; but, great as was his reputation—and though as a political economist and diplomatist he had no superior perhaps at any time—there was no subject on which he was so pre-eminent as the subject of India. The right hon. Gentleman the Member for Edinburgh referred to that noble Lord's last speech on this subject as a masterpiece. Well, what did Lord Grenville say in 1813? He said he could not for a moment sanction such a proposition that Parliament should be called on, in the month of June, hurriedly to discuss a subject so important in its nature. He entirely agreed, he said, with Lord Grey; he did more, he delivered an indignant protest against the policy recommended by the Ministry; and when the Ministry—for Ministries generally are very unwisely obstinate—would not consent to the sage counsel of men like Lord Grey and Lord Grenville, what did they do? Openly and publicly, in the most solemn manner in the House of Lords, they said they considered the policy of the Government on that occasion so objectionable that they would no longer attend the debates on the subject, and they accordingly absented themselves from the House. I do not say that that is a course of conduct that we ought to follow. I have no doubt that it is a Whig precedent, which some right hon. Gentlemen would be very glad that we, in this hot month of June, should pursue:—but this is a harder age than 1813; and I suspect Ministers will find a legitimate but prolonged opposition to this measure. Now what happened in 1833? Mind, I am urging this in answer to those criticisms of which we have heard of late, as to the unprecedented course, the almost factious proceeding, the something almost perilous to the commonwealth, which we are adopting; and I show you the authority we have for the course we are taking. I respect authority as much as any man in this House; but I do not wish to lay too much stress on authority; the argument from authority has its necessary limit. We respect authority; but certainly in this House—which, after all, is the atmosphere of free discussion—we cannot prefer authority to the conviction of our own senses, or to those results which reason, knowledge, and information force us to adopt. But what happened in 1833, the very period when the present Act was passed? When it was introduced into this House by Mr. Charles Grant, supported by the right hon. Member for Edinburgh, there still remained in the House of Commons, in opposition then to the Government, a most distinguished man, Mr. Charles Wynn—a real statesman—a connexion in blood, and one deeply united in political career, with Lord Grenville—the last of the Grenvillites—a man of very enlightened mind—of great capacity—perhaps unrivalled for his general Parliamentary information, and recognised as the first authority on Indian subjects. Mr. Charles Wynn had been a Member of the Government that preceded the Government of 1833—he had been President of the India Board. What did Mr. Wynn say in 1833, when in the month of June the Bill for the Government of India was brought into this House? Observe the unfortunate circumstances under which we always have to legislate for India. In 1813, continental war; in 1833, domestic revolution. Mr. Charles Wynn was sensible of the extreme difficulty of having a proper discussion on the affairs of India under the circumstances that then existed; and what did he do? He recommended Ministers to carry a short Bill on those points that were necessary for the continuance of the Indian Government, and to proceed to legislate in a maturer spirit, and after an interval, upon all the other great questions which, resisting his advice, they ultimately included in the Bill of 1833. Well, what Lord Grey and Lord Grenville recommended in 1813, what Mr. Charles Wynn recommended in 1833, is the course which my noble Friend, consulting with those with whom he chiefly acts, has thought it not unreasonable, at the end of the month of June, to recommend to the House of Commons in 1853. Now, Sir, I beg the House to recollect what happened in 1833. I take it, the House will agree that all our arguments, all our illustrations, and all our inferences, should be drawn from the law of 1833. In 1813 and 1833, by a gradual process, the East India Company had ceased to be a commercial corporation. The trade with India was opened in 1813; the trade with China was opened in 1833. The Directors became, in 1833, the representatives only of the proprietors of a joint-stock company. Their books were closed, their accounts were cleared, and they were entrusted with certain political functions. Beyond 1833, I maintain, we have now no necessity for a moment to advert. It may be interesting to appeal to the character of Lord Clive, and to the deeds of the heroic men who rose in his school; but they really have nothing more to do with the matter in discussion than the ignominious disgrace of "the black-hole" of Calcutta. In 1833 we established a form of government, or we provided—to use the title of the present Bill—for the government of India, and we provided for that government with as much knowledge as was then furnished to Parliament and the country by the Ministry. There were great admissions made by the Ministers of that day, and by the most eminent authorities of that day, on the state of India; and upon those admissions the Bill of 1833 was introduced. Now, what were those admissions? It was complained, in 1833, that the Government of India had been one that necessarily led to ruinous wars—that was a great complaint. It was said that the consequence of that system of warfare was a condition of finance which prevented our improving the condition of the people, and improving also the condition of the country. It was said also, that from this want of resources the education of the native population had not only been neglected, but had not even been commenced. It was said, fifthly, that the maladministration of justice was of such a character that it was necessary that a code should be immediately constructed and introduced. Now, I am giving no opinion upon these points at present. I am representing to you the statements that were made by men of the highest authority in and out of office at the period of 1833, and in consequence, or rather with a clear admission of which statements, the Bill of 1833 was recommended to your notice. Now what is the state of affairs in 1853? How is it altered on these five main points? Now, observe, I am not now entering into any argument; I am not stating my own views; I am merely attempting to place before you what I believe to be an impartial narrative of the situation we have to encounter. Twenty years have passed; the interval has elapsed for which you had legislatively provided. What do we find? We still have great complaints. What are they? Constant wars; constant deficits: no education—few public works—maladministration of justice. Well, but these are the five pleas that were urged in 1833. Why do we hear of them again in 1853? Are these to be the five points of the Charter? I say that when we find that in 1833 and in 1853 the same complaints are made on subjects of such vast importance, it becomes Parliament to consider the question. Well, but we have, although imperfect, still a great body of evidence before us. We have had our Committee, and we have had a Committee of the House of Lords, that for two years have been taking evidence on these very important points. What do we find there? We find this remarkable characteristic in the evidence taken before the Committee of the House of Lords and before the Committee of the House of Commons—that those evils are not denied. They are explained—they are apologised for—extenuating pleas are urged in favour of those who exercise power: but the most experienced servants of the Company or of the Crown will not come forward and tell you that there have not been wars, and almost continual wars; they will not come forward and tell you that the native population of India is a wealthy and thriving population; they do not come forward to tell you that the condition of the country is changed; that the means of communication which were wanting have been provided; that all those works which in 1833 it was said should be accomplished have been accomplished. They do not say this; these great authorities—these men who have been employed, and justly employed, by the Crown and by the Company, do not come forward to say that the native population is educated; they do not come forward to say that the administration of justice is satisfactory. All that they do is to pour in upon us a flood of information and of light which springs from knowledge on these topics. They give us the means of forming an opinion—and I hope not a prejudiced or an extravagant opinion—on them; but still the result remains the same, that in 1853 you have the same complaint upon those great and cardinal points as you had in 1833, and that you have a body of evidence—of authoritative evidence—from the highest quarters upon your table, the general result of which is to prove that these complaints are well founded, although the witnesses may account for the calamities which all appear to acknowledge. Well, then, I ask, is it possible that under these circumstances we can proceed to legislate, "to provide a government for India"—as if we were legislating for a railroad? Are we to be told that this is a question upon which discussion should not be indulged in? Are Ministers to be allowed to triumph in the fact that the Parliament and the people of this country take no interest in this question? If they really do take no interest in this question, more shame for them. And rest assured that when the House of Commons does not take an interest in the good government of India, the time is not far distant when they will lose that India of which they are so careless. If I were a Minister, and it were impressed upon my painful conviction that the House of Commons was not interested in a discussion upon India, I would not at all events, as Her Majesty's Ministers do, triumph in that circumstance; I would not take the opportunity of letting Europe and America know that the House of Commons took no interest in the affairs of India. Why, it only proves what we have too much proof of, that we are becoming yearly more and more a meeting of delegates—less ambitious, and perhaps less competent, to fulfil the part of Imperial Legislators which was once our pride. I say that under these circumstances the House of Commons and the Parliament of this country are bound to attempt to discover what is the cause of this misgovernment of India—this chronic misgovernment of India—a misgovernment acknowledged by the very witnesses whom you bring forward to substantiate the claim of the Ministry, that the same authority shall exercise again the power which it did before, and who, no doubt, conscientiously give us their opinion to that effect. I do not presume to name one cause as the cause of what may be called the misgovernment of India. I do not mean to say that several causes may not be fixed upon; but I say, generally speaking, that if a country is misgoverned, that is at least *primâ facie* proof that the constitution of that country is an injurious constitution. Misgovernment—chronic misgovernment—cannot exist, in my opinion, unless the general scheme of administration has in it something essentially defective. Now, has the government of India as it at present exists something in it essentially defective? Well, when I consider that form of government—of which we all have heard, and read, and thought so much, and definitions of which in this debate, of so contrary a character, have been given by Members of equal and of high authority—I find that that government is cumbrous—that it is divided—that it is tardy, and deficient in that clear and complete responsibility which is the sole and essential source of all efficient government. Now, these are charges that I do not make but with reluctance, nor have I used a word the justice of which I do not think can be demonstrated. Let us advert for a moment to the descriptions of that government which have been given in this debate—and observe what the debate has consisted of. Although the debate has been derided by Her Majesty's Ministers, although we have been told night after night that a House could hardly be collected to listen to the debate, I have remarked this characteristic of the present discussion—that no Member has taken part in it who has not had either local or administrative experience of India. ["Oh, oh!"] Well, I shall be extremely glad to be corrected, as I trust I always am. It is possible I may have made some mistake in the course of a four nights' debate—but I say I do not, at this moment, recall a Gentleman who has addressed Mr. Speaker in this debate who has not had either local or administrative experience of India. Perhaps the First Lord of the Admiralty and myself may be exceptions; but I believe that we have officially both been Indian Commissioners. Well, whom have we had? We have had gentlemen who have served on the Board of Control; we have had gentlemen who have served as military men in India; we have had East India Directors; we have had gentlemen who I believe have occupied nearly the highest civil posts in India; and at the present moment I do not know an individual who has addressed the Speaker who does not come under one of the categories I have mentioned. However that may be, I am not going to quote any gentleman who has not been in India, or who has not had official connexion with that country. We have had the constitution of India described. One hon. Gentleman got up for that purpose—and he certainly will come under the category I have endeavoured to describe—and that hon. Gentleman says it is a mistake to suppose that the East India Company do not exercise, virtually and *boná fide*, authority in India. That occurred on one night of the debate. What happened on another? A Gentleman of equal authority gets up and says, "Oh, what's the use of this talking about the East India Company; the East India Company is," to use the elegant phrase that now forms part of the rhetoric of the House of Commons, "a sham—the Government of India is the Board of Control, and the President of the Board of Control." What happened next? Why, a right hon. Gentleman (Mr. Macaulay), who ought upon this question of all others to be the highest authority, for he was once Secretary to the Board of Control, and afterwards a Member of the Council in India, rises in his place and says, "You are wasting your breath and your time, neither the East India Directors nor the Board of Control have anything to do with the matter—the Government of India is the Governor General." Now this is a subject of very great interest. It is very odd you should have three high authorities rise up and entirely contradict themselves upon this question. This is a curious but it is not the most important part of the matter; and I mention it to show the difficulty there is in fixing where the government of India can be found. Here is the right hon. Member for Edinburgh, who tells us that neither the East India Directors nor the President of the Board of Control are the government of India, but the government of India exists in the Governor General of India—observe that. Well, a very short time ago—a very few years back—when many Gentleman whom I am now addressing were Members of this House—and even if not Members of this House, the event to which I refer must be still fresh in their memories—the state of India was most perilous and critical. We had encountered the greatest military disaster which the English arms had experienced in recent times. At that period England was governed by a strong Ministry, consisting of some of the ablest men that this country has ever produced; and they were, under these circumstances, summoned to Council to consider what steps should be taken in this moment of unprecedented peril for our Indian empire, and what was the course to be pursued. Fortunately for this country, two of the most eminent statesmen which the country has ever possessed directed the Councils of the State. They were those two statesmen whom the First Lord of the Admiralty, with justifiable pride, as is his habit, referred to as his Colleagues in his speech the other night—Sir Robert Peel and the Duke of Wellington. Sir Robert Peel and the Duke of Wellington had to consider, what, in the greatest crisis of our Indian empire, was the wisest and most prudent course, and the step of the most absolute necessity to take. They selected a Governor General for India; and they selected him at the greatest personal sacrifice, for in choosing him they deprived themselves of a Colleague of great talents, of commanding eloquence, and whose talents and eloquence were wanting in the other House of Parliament, where their cause was not so well supported as it was in this. They selected him, therefore, not from favour, but from the full opportunity of knowing his commanding talents—they selected him at a personal sacrifice, and they knew they sent him to the scene of imperial danger with all the advantages of accumulated and previous knowledge, for he was at the time the Minister of India. He went to that country. I shall not enter into any criticism of his career. This I know, he went with the entire satisfaction of his Colleagues—this I know, that he succeeded in all he undertook—and this I know, that in the very heart of his enterprise, he was rudely, abruptly recalled from his government. And by whom? By his Sovereign? By Her Majesty's Ministers? By the President of the Board of Control? Not at all; but by the Court of Directors. We saw this strange and startling thing—that Lord Ellenborough, selected for such an office by such men, and, under such circumstances, was recalled by the Court of Directors, with all the circumstances of shame, and that the very next day his Sovereign elevated him in the Peerage, and decorated him with the Red Riband. Now, I want to know, who is the Government of India? Now, I want to know, where is that clear and complete responsibility the want of which I deprecate? That is a question which I think ought to be answered. Have the Board of Directors the same power under the present Bill? I have read the Bill. I certainly cannot pretend to be learned in such matters, and I have not had the advantage of the counsel of my learned Friends whom I wished to consult upon it; but I have read the Bill, and it appears to me, that, so far as you can draw any conclusion at all from it, the Court of Directors can recall any Governor General to-morrow. To tell me that the Court of Directors, who can recall the Governor General, do not govern the country, is absurd; because they can in an instant change the whole policy which a Wellington or a Peel may approve; and even if a policy is not pursued which they disapprove, yet they well know that the power of recall must influence that policy. I think I have shown, then, that the Government of India is not that simple instrument of policy which we have been informed during this debate that it was. We have been told that the President of the Board of Control was the ruler and governor of India. I have shown you a memorable instance—one, too, of recent experience—in which the Sovereign and Her Ministers have been disregarded, and their policy entirely counteracted by the Board of Directors. I am not blaming them, or making this a charge against the Board of Directors. If they have the power, they have a right to exercise that power; but when I am told that the Board of Directors have no power, and when I have shown you they can exercise the greatest act of power, and when, so far as I can gather from this Bill—though I speak under correction from the noble Lord if I am in error—that this power is reserved to them, that is a very important consideration when we come to consider the elements of which this government is to be formed. Remember, it is not a question, as has been so conveniently thrust forward in debate, where you have to decide upon maintaining the present form of Indian government, or adopting some great change. You cannot, sooner or later, avoid the organic change which you are taught to consider so perilous. You may, if you like, terminate the power of the Court of Directors to-morrow; but whether you choose to do it or not, at a stated period, which is prepared beforehand, the Court of Proprietors ceases to exist, and of course their representatives must also vanish from the political scene. Sooner or later, therefore, you must make an organic change, and the question for you to decide is, not whether you will make an organic change, or adhere to a system, the benefits of which will last but a limited period, but it is whether this is a fitting time to make that change, or whether by postponement you may not place yourselves in a much worse position than you now occupy. I think you may place yourselves in a worse position than you now occupy, for this reason. If it be true—no matter whose be the fault—that the condition of India is not a satisfactory condition; if it be true that the system that prevails there is a system that leads to a vast expenditure, which the resources of that country cannot sustain; if it be true that in consequence the condition of the people and of the country is not only not improving, but is deteriorating every day; if it be true that all those objects which you have considered of great importance in the government of India, are not in consequence attained—you must remember this—Her Majesty's Ministers must acknowledge this—that there is no reason why in the next twenty years any of those causes which have tended to the degradation of that country and its population should be diminished under the Bill which Her Majesty's Ministers have placed upon the table. But what will be your position in the year 1874? You must take India then. Whatever the debt of India is then, you must adopt that debt as your own. India, with all its obligations, with all its politics, with all its treaties, all its incumbrances, will become a part of your general government; and therefore it is a matter of urgent and imminent interest that we should decide at once whether we can afford, for the sake of India, and for the sake of England particularly, another twenty years like those which are about to expire. If the House will permit me, I will proceed to touch upon the Bill upon the table; and to examine whether it makes those changes, and whether it provides for those changes in the government of India which may be some remedy in the premises to which I have adverted. Remembering the hour of the night, I will curtail as much as possible the observations I have to make. I will not touch upon the changes you propose in the local government of India itself. There are many clauses with regard to this head to which I have objections, but they are not objections that would make me oppose the second reading of the Bill; virtually, as the right hon. Gentleman has said, this Amendment is an opposition to the second reading of the Bill; I will, therefore, concentrate my criticism upon the plan which is proposed for the home government of India. I find such objections to the plan that is proposed by Ministers for the home government of India, that they alone, in my opinion, fully warrant me in offering a complete resistance to this measure; because, as I shall show the House, I hope, this plan aggravates all the disadvantages of the existing system, and, it appears to me, deprives it of many of the advantages which the existing system undoubtedly possesses. In the first place, I must call the consideration of the House to the new constitution which is here made in respect to the Court of Directors. The first objection I make to this scheme, which is of a very peculiar nature, is, that by the introduction of Government nominees, that Court becomes immediately dependent. Whatever the faults of the existing system, whatever the faults of the Court of Directors—though their machinery may be cumbrous—though it may tend to delay, and even to corruption—it has one, if only an isolated virtue—it is independent. I greatly object, then, to the principle of introducing Government nominees into the Court; and I would remind the House, as authority has been so often appealed to, that this is not a new proposition. Mr. Charles Wynn, in the year 1833 proposed that there should be certain members of the Court of Directors nominated by the Government, and serving for four years—nearly the identical proposition—virtually the identical proposition, of Her Majesty's Ministers contained in the present Bill, so eloquently supported by the right hon. Member for Edinburgh. Now, how did the right hon. Gentleman in 1833 meet the proposition of Mr. Charles Wynn? How did the right hon. Member for Edinburgh, who the other night gave such valuable support to the proposition of the Minister, meet the proposition of Mr. Charles Wynn, that there should be nominated members of the Court of Directors to serve for four years? Mr. Macaulay said, "The plan suggested by the right hon. Gentleman the Member for Montgomeryshire, is, I think, the worst that I have ever heard." The House must recollect that the right hon. Gentleman, in 1833, was as great an authority on India as this year; for he had delivered upon it a speech of surpassing power, and the House looked up to him with all the consideration that he deserves; therefore these were no light words:—

> "The plan suggested by the right hon. Gentleman the Member for Montgomeryshire, is, I think, the very worst that I have ever heard. He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being?—that their situations would depend on the permanence of that Ministry?—that therefore all their power and patronage would be employed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power?—that they would be subservient while their friends were in, and factious when they were out? How would Lord Grey's Ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years, they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the Government, and no more than independent—not a tool of the Treasury—not a tool of the Opposition."—[3 *Hansard*, xix. 516.]

This is the very proposal of the Government, which the right hon. Gentleman so earnestly advocated the other night, and which he declared in 1833, having then studied the subject with great profundity, was the very worst plan he had ever heard. Well, Sir, it is unnecessary for me to remind the House of the peculiar arrangement by which the numbers of the Court of Directors are to be reduced. I advert to it, of course, with reluctance in the presence of hon. Gentlemen who are members of that body—but I feel that the freedom of debate warrants the allusion. At present virtually, as hon. Gentlemen will recollect, the Court of Directors consists of thirty members; they are to meet in April, and to select fifteen out of their own number; and the selected fifteen are suddenly to become the Directors of the East India Company. At first there was an idea that the President of the Board of Control had dealt hardly with the Court of Directors; it was deemed a device on his part of so ruthless and remorseless a character, that there was some sense of public indignation expressed against Her Majesty's Ministers on this score. But I confess that after considering this clause, I entirely acquit Her Majesty's Ministers of this imputation. I am sure that the original idea of this clause must have been found in Leadenhall-street. I know there is a very valuable body of papers—they have been examined by a friend of mine—in the records of the Court of Directors relating to a subject in which I believe the Indian Government greatly distinguished itself, I mean putting down the system of Thuggee. The House knows, I am sure, what a Thug is. A Thug is a person of very gentlemanlike, even fascinating manners; he courts your acquaintance, he dines with you, he drinks with you, he smokes with you; he not only shares your pleasures, but even your pursuits; whatever you wish done, he is always ready to perform it: he is the companion of your life, and probably a member of the direction of the same joint-stock company; but at the very moment when he has gained your entire confidence, at the very moment when you are, as it were, reposing on the bosom of his friendship, the mission of the Thug is fulfilled, and you cease to exist. I confess I shall be curious to see who are the fifteen Thugs—I want to know who will be the first innocent victim to be selected. Sometimes I fear it may be the venerable Member for London. I will not pursue this hypothetical anticipation; but when we meet next Session, I think there will be a strange thrill of curiosity and horror when the hon. Gentlemen who shall be members of the first new Court of Directors enter this House. But now, practically, what are you gaining by this process? You are to have fifteen gentlemen of the old Court, to whom the Crown, in the first instance, has the power of adding three, and ultimately naming six, or one-third of the whole. There will be eighteen members, twelve of the old body, and six Government nominees. The object of having these Government nominees—by which, mark you, the independence of the Court is lost and abrogated — is to secure a certain superior knowledge of India, its necessities, and its circumstances. Well, now, do you gain that? I looked this afternoon over the list of the East India Direction, and I observed that a majority of them were gentlemen who had local and official experience of India. More than half the present Directors are men who have been eminent as Indian lawyers, like the hon. Baronet the Member for Honiton (Sir J. W. Hogg), or who have had great experience in either the military or the civil service of the Company; so that at present, with this extremely criticised Court of Directors, you have a mass of Indian experience and knowledge represented by more than half the members of the Court. But by the arrangement contemplated by Ministers, you only secure that one-third of the members shall possess that information and experience; because it is perfectly obvious that when this change which you project shall have taken place, none of the twelve members in future will be elected with any regard to their Indian experience. It will always be their standing in Lombard-street that will be looked to—the directors of insurance societies will be chosen—when a City Director is wanted, you will go on 'Change to find him. There will be no moral obligation then on the proprietors of this joint-stock company to elect men of Indian experience; and therefore the result of the change will be that, instead of having half, or more than half, men of Indian experience, you will have by this newfangled scheme only one-third. How will this act? Try it with the three new members nominated by the Crown. Probably the result of the election will be that the best men will remain in office, and you will have three men of consummate Indian experience added by Government. Well, what do you gain by that? I say that you have at this moment three men, and more than three, equal to any whom Her Majesty's Government, with the most praiseworthy anxiety and the purest motives, for which I give them credit, could select. I take my hon. Friend the Member for Honiton (Sir J. W. Hogg), twice Chairman, and a gentleman of great authority and credit—Ministers cannot for a moment suppose they would be able to select a better man—I give him the precedence. Is it probable that you will get a better man than Sir Richard Jenkins, or a man with more Indian experience than Sir Henry Willock? These are now members of the Direction, all of whom may not be members of the new Court; and I say it is not at all probable that Ministers will be able to add three to the fifteen ultimately selected who will be equal to these. I say, then, by the plan you are now pursuing, you are not improving the Court, if you wish to make it a council of Indian experience and knowledge; whilst, at the same time, you are doing that which will be most fatal to the ability and character of anything professing to be a council—you are introducing the element of dependence. I maintain that the two main elements of an Indian Council, whatever form it may take, whether a Court of Directors, or a collegiate council, are independence and permanence. You should secure independence and knowledge in every man who is to be a member, and you can only do that by making his position permanent. For these reasons, were there no others, if I were to choose between the existing system and the curious one proposed by Her Majesty's Ministers, I would much prefer the existing one. The existing system gives an Indian controlling council, independent, which is the first element in such a body; it secures a greater mass of Indian knowledge and experience, probably at least one-half against one-third; it furnishes a Government comprising certainly three men of greater experience and ability than the Crown could probably select. That is the great objection I have to this plan of the Home Government. It appears to me to possess all the evils of the old system, and none of its advantages. Now, I must omit many objections to the principle of the Bill, because I feel that time is precious, and I am bound to answer the defence set up for this measure by those who have preceded me. There is one curious feature of this debate—not a single man has risen on either side of the House to defend the Bill of Her Majesty's Ministers excepting Gentlemen in office; and what is the worth of their defence I will proceed to attempt to ascertain. There are many Gentlemen who have said they will not vote for the Amendment; but there is not one of those who have opposed it who has not told you at the same time that he entirely disapproves of the Bill. That is a very remarkable circumstance. There is the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis); he is not going to support the Amendment, indeed he very rarely does support any Amendment of ours; the hon. Baronet looks on the Bill in a spirit of devout reprobation—he says there never was one of which he so entirely disapproved, and he is willing to vote for the second reading in order that we should enter into Committee, in order that he may strike out all the principal clauses. There is my hon. Friend the Member for Huntingdonshire (Mr. T. Baring)—and I always regret to differ from him—he is not going to support the Amendment, but he says he very much disapproves of the Bill. There is the hon. Member for Rochester (Sir H. Maddock), a great Indian authority, a writer as well as a speaker on this subject; at first he seemed rather to incline in favour of the Amendment, but at the end of his speech he had made up his mind not to vote for the Amendment, but at the same time he thoroughly diapproves of the Bill. Then there is my right hon. Friend—I do not know whether he is in his place—the Member for Stamford (Mr. Herries), a staunch opponent of the Amendment; but when he goes into Committee he will feel it his duty to show that the Bill is one of the most pernicious pieces of legislation possible to be conceived. The catalogue is much longer, but I cannot proceed through the list, because I have men of mark before me to whom I must advert. I said no Gentleman had defended the Bill who was not in office; there was the right hon. Gentleman the Member for Edinburgh, to be sure (Mr. Macaulay), but he ought to have been in office. He spoke, not for his Colleagues, but his clients. He defended the Bill; and I appeal to the House, who listened to him with all the attention which every word that falls from him commands, whether they ever heard a more agreeable speech, or a feebler defence. The right hon. Gentleman laid it down that the real powers of the government of India lay with the Governor General; he said he had seen how the Home Government worked in England, and he had seen, as a Member of Council, how the system worked at Calcutta. He told us four important measures were passed by the Council of India when he was at Calcutta, none of which was suggested, and some of which were afterwards disapproved, by the Court of Directors—the measure for the promotion of education, that for the abrogation of the transit duties, that for unlicensed printing, and the memorable measure for uniform coinage; and the right hon. Gentleman argued from this that there is no substantial power in the Court of Directors. I think I have shown the House there is reason to believe there is very substantial power in that Court. But there is another measure on which, as he was imparting to us all the secrets of State of the Council of India, I should have been glad if he had given us some information—a measure more important even than that concerning printing or coinage. I should like to have obtained some information from the right hon. Gentleman, when, with such unguarded frankness, he gave us all the secrets of State, to whose fault it may be attributed that we have not a code for India? The right hon. Gentleman is practically acquainted with that subject. In 1833 he thus expressed himself—"I believe that no country ever stood so much in need of a code of laws as India, and I believe there never was one in which the want could be so readily supplied." I do not give that as my opinion. I think it was a very bold assertion of the right hon. Gentleman, though received with loud and enthusiastic cheering. But twenty years have passed, and it may be a test of statesmanship not to have sanctioned that code. But I want to know who it was that prevented that code from being published—was it the Council of India or the Court of Directors? I think he should favour us with some information on this point. But the right hon. Gentleman proceeded further. He said, "It is neither the Court of Directors nor the Board of Control that governs India—the Court of Directors have nothing to do but to choose the Governor General—that is the only business they have to do." Now, if the only business which this elaborate and cumbrous Home Government has to do is to select the Governor General, according to the high authority of the right hon. Gentleman, then I maintain you want no Board of Control or Court of Directors—that the Minister of India, without any Council, can perform that office. Why, Sir, to choose a Governor General is exactly the duty which would be most fitly and most efficiently performed by the Prime Minister of England. It requires a first-rate knowledge of man, a thorough acquaintance with human character, a fine discrimination of human conduct—and the best judge of these qualities ought to be the First Minister of England; or that man is not fit to be First Minister, because knowledge of character is the chief quality we expect in the First Minister of the Crown, and that is the quality which should preside over the selection of a Governor General of India. Therefore the argument of the right hon. Gentleman the Member for Edinburgh goes against the home government of India altogether, both the Board of Control and the Board of Directors; because, if the only duty they have to perform in this country is to select the Governor General, then, I maintain, you want neither a Court of Directors nor a Council for India. It is unnecessary for me to touch, at this late hour, upon other topics in the speech of the right hon. Gentleman. The right hon. Gentleman demonstrated many points which nobody questions, and illustrated many things which are not obscure. He did this, indeed, in so agreeable a manner, that I, for one, could have listened for ever. It was one of those bursts of conversation which would have charmed the breakfast or cheered the dinner table. But in my mind, so far as the case before us was concerned, the right hon. Gentleman totally avoided the whole question; or, if he noticed it at all, he made an admission, and established an admission, by proofs perfectly fatal, to having any Court of Directors or Council for India whatever. I must notice, late as it is, a still more important personage, not for his abilities, because no one pretends to exceed those of the right hon. Gentleman, but eminent equally for his abilities, and his great and responsible position—and that is the First Lord of the Admiralty. Now, the speech of the First Lord of the Admiralty consisted of one of the most complete panegyrics of the existing home government of India that I ever listened to—that I ever read. Not in all the pamphlets, not in all the histories, not in all the pamphlets which take the shape of histories, which have so abounded of late—not in all the specimens of composition in every size and form that in the last three or four months have been showered into the rooms of any Gentleman who happens to be a Member of Parliament, either not petitioned against or petitioned against, can any one find a more unqualified panegyric on the East India Company, of the Court of Proprietors, and of the

Court of Directors, than fell from the practised lips of the right hon. Gentleman. It appeared to me, that rhetorical inconsistency never arrived at a more culminating point than it did towards the close of the right hon. Baronet's address. Indeed, as I observed him, he seemed at last like some rapid rider, who, at the close of a furious and blind career, suddenly finds himself at the brink of an unseen precipice; for when he had exhausted all his arguments, urged with his usual facility, the conclusion that stared him in the face was, that he ought to be the first man to vote against his own Bill. It pervaded, throughout its whole course, the speech of the right hon. Gentleman. The home government is a perfect government, said the right hon. Gentleman, and therefore I propose to alter it. The army of India is an heroic army. Think of Pollock! Think of Nott! These are men of whom any country might be proud; and therefore we are going to introduce a Bill which for the first time degrades these men, and makes them subordinate to a Queen's officer. ["Oh, oh!"] You say Oh, oh! but you cannot deny that there is a provision in this Bill which for the first time makes the Pollocks and Notts of the Indian army subordinate to a Queen's officer. If you are going to vote for a Bill which you have never read, the greater your responsibility. That is not all. The right hon. Baronet says—"I acknowledge that the state of Indian finance is not satisfactory. I cannot deny that there is great debt, though not so great as the exaggeration of Indian reformers makes it out." The right hon. Gentleman should be lenient to the raw statistics of these young Gentlemen. Statistical inquiry is a subject which requires practice, and we should forget a slight error for the laudable purpose. The right hon. Gentleman says, "I know there is a a great debt, that there is an ugly deficit in the year's account, though not so much as some hon. Gentlemen say it is, but we are going to settle that in this great Bill." You are to have an Indian budget, a financial statement every year, and you will have the advantage next year of having it from one who has been Chancellor of the Exchequer as well as President of the Board of Control, who will thus, of course, combine in his statement all the magnificent imagery incident to the one capacity, with the perspicuity of financial detail appertaining to the other. I really did think that my ancient antagonist was doomed to more glowing subjects than those of which we have some dreary recollections; but I find he is to give us an Indian budget. This is the plan of the First Lord of the Admiralty: Indian finance is not in a satisfactory state, so you shall have the ways and means of India yearly before you, though you have not the control over a single shilling. Is anything more dreary than a financial statement? What is it that at all excites attention, but the desire to know how much we are going to receive, how much we are going to pay? But we are to have an Indian budget when we can receive nothing, and cannot control the expenditure. The powers of the Government to maintain a House are remarkable; but I think that their House-collecting, or House-containing powers, will be tasked to their utmost on the night when the Indian budget of the right hon. Gentleman is coming on. I have condensed, as much as possible, the observations I have to make, and I have omitted many; but if the House will be indulgent, I will, before I sit down, touch, however briefly, on the arguments urged against delay. There are reasons against delay first urged on the ground of authority. I have ventured to say before, that argument drawn from authority is an argument which, though valid and efficacious up to a certain point, is of a limited character. We recognise authority—we are all influenced by authority; but we cannot be influenced by authority against the strong convictions of our reason. The first authority which is brought forward to control us is, that of the present Governor General of India. I yield to an authority in which, like one of the Homeric contests, one has to encounter a cloud. I cannot fight, I cannot struggle, against the authority of Lord Dalhousie, when I am not aware of the language in which it is couched, or at this moment the precise conclusions which it recommends. It used to be held to be very unparliamentary, not to say unconstitutional, for a Minister to appeal to a State paper which is not in the public cognisance of Parliament. I do not want to urge that point severely, but I do protest against authority like that of Lord Dalhousie being brought forward to influence this House, when not a Member of it can really tell us what Lord Dalhousie says, what is his counsel, upon what *data* it is founded, or really what he advises. The name of Lord Dalhousie has been brought into the debate; but, so far as influencing opinion, it ought not to be listened to. Such authority, I repeat, is a cloud. Another Governor General is brought forward, Lord Ellenborough. Lord Ellenborough has said, very recently, he is in favour of immediate legislation; and the authority of Lord Ellenborough, even though he has changed his opinion, is no light one. But when I remember that three months ago Lord Ellenborough was against immediate legislation, I cannot, in weighing the value of Lord Ellenborough's opinions, or reading a statement of them, very much appreciate authority offered under those circumstances. Lord Ellenborough in three months had changed his opinions; I want to know what are his reasons. They may be reasons which, in my mind, may not be of sufficient force, and founded on assumptions which are not valid. Therefore the opinions of Lord Dalhousie and Lord Ellenborough are mere shadows. Then there comes a third Governor General, my Lord Hardinge; but Lord Hardinge did not state his opinion before the Committee. If Lord Hardinge had given his opinion in favour of immediate legislation before the Committee, it would have been open for any Member of it to ask the grounds on which he founded that opinion; but we are told that in a conversation—for such is the strange mode which now prevails of introducing the names of eminent men—Lord Hardinge expressed an opinion in favour of immediate legislation, which he did not express before a Committee of this House. Therefore, if you wish to influence this House, summon Lord Hardinge to the bar, and ask him to instruct the House of Commons upon the reasons for his opinion on this subject. There are one or two other persons of great authority whom I must also notice. There is my hon. Friend the Member for Huntingdon (Mr. F. Baring). I acknowledge he is of great authority on this question. He was the Chairman of the Committee, and, as chairman, exhibited all the talents which those acquainted with him were not surprised at his showing; but my hon. Friend, at least, so I understand, is a supporter of the Home Government of India as it exists, and therefore I can comprehend his feeling that the sooner we legislate, the better chance there will be of getting something like that we at present possess. Nothing can be fairer than the course of my hon. Friend; but though I do not agree in half the statement made by hon. Gentlemen opposite—though I do not attribute peculiarly to the East India Company the state of India—looking upon the Company only as part of a cumbrous Government that has produced that state—yet I do not see why the present Government should be continued, nor do I find that to be the wish of Her Majesty's Ministers. Then there is another authority which has been very much talked of in this debate, and that is the opinion of the right hon. Gentleman the Member for Stamford (Mr. Herries). My right hon. Friend the Member for Stamford has stated, so far as I can collect his statement, that he approves of immediate legislation for India, and that it is his intention to have proposed immediate legislation; and that observation or admission has been made much of by hon. Gentlemen opposite. They have taken every opportunity of stating in their speeches that the late Government had intended to legislate immediately for India, and, that, therefore, our arguments for delay are of recent adoption. I know well my right hon. Friend would never make a statement which he was not perfectly convinced was accurate, and that he is incapable of stating more than strictly has occurred. But I am bound to say, with every feeling of courtesy and kindness for my right hon. Friend—there ought to be no misconception on a subject of this kind; and I heard the declaration—if that be the declaration—that the late Government were prepared to legislate immediately, I myself heard that declaration for the first time. But I am not the only Member of the late Government who heard that statement for the first time; for I had the opportunity of conferring with almost all my late Colleagues, and among those with that one in particular without whose sanction no such course could have been adopted or announced—the First Minister of the Crown—and I have the authority of my Lord Derby to say that he never heard of such an intention, and that he was equally surprised at the public statement made by Her Majesty's Ministers as to the statement of my right hon. Friend, namely, that the late Government intended to legislate immediately with regard to India. Far be it from me to dispute the authority of the Member for Stamford. I am not attempting to depreciate his authority—I think it a very high one. I give all the advantage of that authority to Her Majesty's Ministers; but I think there ought to be no misconception on a circumstance of that character. And remember, with regard to the right hon. Gentleman, the same observation applies as that which I have made with respect to my hon. Friend the Member for Huntingdon, that he is in favour of the existing system without change, and he indulges in the almost Quixotic views of the hon. Member for the University of Oxford, that when in Committee the objectionable parts of this Bill can be struck out. I have noticed those arguments against delay which are drawn from authority. I must now touch for a moment upon those reasons which are urged against delay by the First Lord of the Admiralty and others upon grounds of the present state of India. The state of India has been urged as a state which does not admit of any delay in legislating for its Government. Well, now, Sir, I entirely differ—with great respect let me say it—from the right hon. Gentleman on that point. There may be good reasons for not delaying this measure for the government of India, or there may not; but I deny that any good reason can be found for precipitate legislation in this respect, derived from the state of India. Why, Gentlemen in this House speak of India as if it were a small country, in which insurrection could occur the moment the second edition of the newspapers took out word that this Bill, brought in for immediate legislation upon the government of India, had been postponed. But just remember that India is a country which is in size equal to a third part of Europe, and is inhabited by twenty-five nations, differing in race, differing in religion, and differing in language. What are the elements of combination among the people of India under these circumstances? Why, Sir, take the case of Germany. There you have a considerable country, but one that is not to be compared for a moment in extent with India. You have it occupied by seven or eight nations of the same religion, the same race, and the same language. You have a country there with all the advantages which modern science affords for the intercommunication of man, and for the communication of intelligence. You have railroads, electric telegraphs, and a universal press. And what did the efforts four or five years ago of attempted concert and combination in Germany end in? Why, it was found to be totally impossible to make Austrians and Prussians, Bavarians and Hanoverians, combine in any manner; and that, although they were of the same race, religion, and language, the conflicting prejudices were so great, the interests so different, from the diverse configuration of the soil and other causes, that the whole broke up like an illusion. And yet we are afraid of an insurrection in a vast empire like India, which is equal in extent to one-third of Europe, and is inhabited by twenty-five different nations. But, says the right hon. Gentleman, warming with his subject—and in this he was supported by the Secretary to the Board of Control (Mr. Lowe)—whom otherwise I should not have noticed, looking upon the assertion as only one of those dashing statements with which he sometimes winds up a speech—"Look at the state of Asia—look at its peculiar and unprecedented state—that renders it more important that your legislation with regard to India should be immediate." Now I say that the state of Asia is not peculiar, nor is it unprecedented. What was the statement of the hon. Gentleman—a statement in great detail, and not a general allusion? He adverted to the condition of Arabia, the condition of the Turkish empire, the condition of Central Asia, and the condition of China. He said that their state was peculiar and unprecedented. He said that Arabia was in a state of uncontrolled fanaticism—that the position of the Turkish empire was most perilous and critical; and I was very sorry to hear that—I was very sorry to hear that the coalition has brought things to such a pass in the Levant. But I have heard it laid down as a rule of law that no man has a right to take advantage of his own wrong, and it is no argument for misgoverning India that you have misgoverned your foreign affairs. He said that in Central Asia the Khan of Bokhara was making war upon the Khan of Khokan;—as if there had not been war from all time between these or some other Khans; and then he asked us to look at the state of China, which is now ravaged by a successful insurrection. Now, Sir, I say that at all times such circumstances have been prevalent in these countries; they have never been much less so; and I will take the year 1833, when the last India Bill was brought in, and try the period by all the tests which the hon. Gentleman mentioned, and I will show to him that in every respect the state of things to which he referred existed, and existed in a more aggravated and more serious form; and yet it was not brought forward as an argument for hurrying on imperfect and precipitate legislation with regard to our Indian empire. What was the state of Arabia in the year 1833? You had not merely a condition of fanaticism, such as the hon. Gentleman referred to—you had a new religion, which had arisen in the Desert—a religion of conquest, which, after many years of vicissitude, had been just crushed by the Pacha of Egypt—I mean the insurrection excited by the new religion of the Wahabees. Again, what was the condition of the Turkish empire, which we are told is now encompassed with mighty perils? Why, the Pacha of Egypt, at the head of 100,000 disciplined troops, was invading the Turkish empire. While the right hon. Gentleman the Member for Edinburgh was delivering an eloquent speech upon the state of India, the Pacha had already fought a great battle in Asia Minor, which made him master of the Turkish empire, and the Russian fleet was at the entrance of the Bosphorus, and a Russian army was encamped on the heights above Constantinople. Yet, six weeks before, Mr. Charles Grant had introduced the India Bill of 1833, and nobody then talked of the state of the Turkish empire, or of Arabia being in a ferment or commotion—no one urged these circumstances as a reason for passing a law which should for twenty years regulate the government of an immense empire. Then as to the state of Central Asia, instead of a mere contest between two Tartar Khans, had you not at that time the commencement of that mysterious combination in Central Asia which afterwards ended in the invasion of Affghanistan as the only means of warding off the perils which threatened our empire in the East? Then as to the state of China—why, at this period of 1833 those misunderstandings had commenced which made every man acquainted with the state of China foresee that a war could only terminate the controversy; and a few years afterwards we had the greatest war in which we have been concerned for a long period in the East, and which was followed by the China debate, in which the right hon. Gentleman the First Lord of the Admiralty took so prominent a part. I say, then, that, taking the state of Turkey, of Arabia, of Central Asia, and of China in the year 1833, in all these instances, the circumstances of peril and foreboding were considerably graver than those that now exist; and no man then rose, and no man will again, I hope, rise, and base an argument for passing an imperfect and impolitic measure for the government of India, upon the ground of the danger in these or in any other parts of Asia. Well, I will only touch upon one more topic in this debate —and I am deeply thankful to the House for having listened to me so patiently. There is another and a fourth reason which has been given why we should not sanction delay in legislating for India. I have referred to the argument drawn from authority, to the argument drawn from the state of India, and to the argument drawn from the state of Asia. There is a fourth argument urged why you should not delay legislation in this respect, and that is because next year we are to have a measure of Parliamentary reform. Sir, I know well that Her Majesty's Ministers are bound, not merely as statesmen, but as men of honour, not only to bring forward a measure of Parliamentary reform at the commencement of the next Session, but also a large measure of Parliamentary reform. I know that the right hon. Gentleman (Sir James Graham), with a candour which I think quite became him, informed the country that the only condition on which he could be induced to serve his Sovereign and the State was, that the present Prime Minister should introduce, as soon as convenient—certainly not later than the commencement of the next Session—a large measure of Parliamentary reform; and I know that we have the authority of the right hon. Gentleman—an authority unimpeachable—that the Prime Minister completely consented to his condition—that he virtually formed his Government upon the principle of Parliamentary reform, and that he engaged with the right hon. Gentleman that a large measure of Parliamentary reform should be introduced. Well, Sir, one word upon that as a reason why we should not delay legislating for India. The subject of Parliamentary reform, let me remind the House, is not of that complicated character that it was in the year 1830. The nature of the suffrage, the elements of the franchise, the principles of representation, all these things are pretty well known now and understood.

There is hardly a combination with respect to these things which a Minister can make that has not been anticipated; and although we are to have a measure of Parliamentary reform—according to the right hon. Gentleman's estimate, a large measure of Parliamentary reform—I have no idea that it need take up the whole Session in its discussion. I think the Government may introduce a well-matured project for the government of India in February, and pass it in this House, and yet bring in their large measure of Parliamentary reform before Easter. But, Sir, I hope the House will remember the circumstances in which this engagement of Ministers has been made. It is two years ago since the noble Lord, then the First Minister of the Crown, announced to us his settled conviction that there should be a measure of Parliamentary reform—not as a theory, mind you, but as a practical opinion at which he had arrived, and which he was prepared to act on. Well, let it not be said that for the sake of personal and political convenience a measure of reform that was necessary for England in the estimation of the noble Lord, is to be put off for a year or two years, but not the slightest delay can be brooked in regard to a measure which concerns the good government of 150,000,000 of our fellow-subjects in India. Are we to be told that India is to continue to be misgoverned, or not to have the chance of a better government, because the noble Lord, who thought Parliamentary reform necessary two years ago, is content to postpone it for political and personal reasons till another year? Why, the argument drawn from the state of India and the argument drawn from the state of Asia are valid, forcible, powerful, respectable, in comparison with an argument alleged for delaying the good government of India, because the political convenience of the Government would not allow them to bring in a particular measure. No, Sir, I cannot believe that the House of Commons would sanction such a proceeding. I am sure they will hesitate before they seem in any way to authorise such conduct on the part of any Government. I have now placed before the House as clearly as I could from the hour at which I speak, but far more imperfectly than I could wish, the principal reasons why I shall support the Amendment of my noble Friend. It is an Amendment brought forward, not in compliance with any newfangled ideas, or in connexion with any that are not the legitimate political allies of my noble Friend. It is brought forward in deference to the highest precedents that can be supplied by the conduct of the most eminent men. It necessarily leads to no substantial delay in providing a government for India before the existing Act terminates, although for security it is advisable that a Continuance Bill of two years should be passed. Before the existing Act terminates, there is no reason why a government for India should not be provided by Parliament which may be worthy the exigencies of the occasion, and which may show that the Parliament of this country is not entirely unworthy of its office, nor entirely unfit to do that which the country requires. Nor when I am told about party questions, do I hesitate to say, that I think it would be no discredit and no disgrace to the Government if they had themselves made this suggestion, or even if they were now to avail themselves of it. They have been in office but a few months. They have had much to do. The right hon. Gentleman the President of the Board of Control—great as his experience may be—has not been peculiarly attentive to the subject of his present office until he now administers it for the first time. These are valid reasons why the Government might have taken the course which we recommend. Sir, I do not know what may be the fate of this Amendment; but when I hear of party questions and party feelings, I remember how often we have struggled here, animated by such party feelings upon subjects which, although they may excite our passions for the passing moment, are but of a transitory and fleeting nature. We have had our party struggles, the subjects of which have often been consigned to oblivion, but we are struggling now for something that will not be soon forgotten; and however I may go into the lobby, however my noble Friend may be attended, I shall be supported by the consciousness that upon a great occasion I at least attempted to do my duty by those who have deemed me worthy of their political confidence, and I shall at least do my utmost to connect their names with a course of policy which I think will be honourable to themselves, and which I believe will be beneficial to the country.

LORD JOHN RUSSELL: Mr. Speaker, I am sorry that in the present exhausted state of the House I shall have to trespass on their attention before a division is taken on this subject. But I feel that the question before the House is one of so much importance, and that the observations which the right hon. Gentleman (Mr. Disraeli) has made are directed so much against the measures of the Government, that I should not be fulfilling my duty if I did not ask your attention to listen to some observations which I feel bound to make. In so doing I will promise the House that I will make no reference to the question of Parliamentary reform. This great question of India seems to me sufficient on the present occasion to engage our attention. My right hon. Friend the First Lord of the Admiralty said that, in fact, this discussion divided itself into two branches: the one, the question of delay; and the other, that of the double government. These are, in fact, the two questions which the House has now to determine. Before I address myself to these two questions, I cannot avoid remarking upon the lesson that the right hon. Gentleman (Mr. Disraeli) seemed disposed to give to his party in the commencement of his address to the House. Now, Sir, from the general observations which the right hon. Gentleman made upon party, I shall be one of the last to disagree. I can conceive nothing dishonourable, nothing that is not highly creditable when two parties have a difference of principle, when one party is committed to one principle and the other to the other—each conscientiously believing that the welfare of the country can be promoted by the promotion of that principle—I can, I say, conceive nothing more natural than that each in favour of their own should struggle for ascendancy. But the right hon. Gentleman's position has its difficulty in this—that a party ought to have some settled purpose and some decided policy, in favour of which they ask their friends and supporters in Parliament and in the country to aid and assist them. But this is a political occasion in which the noble Lord (Lord Stanley), who brought forward this Motion, and whose candour and fairness I admit, and the right hon. Gentleman who closed this debate on that side of the House, are both entirely wanting in the preference of any policy that they can recommend to the House. They tell us to delay the passing of this measure. The noble Lord's address was characterised by an inconsistency that has been pointed out by my hon. Friend the Secretary to the Board of Control (Mr. Lowe), for the noble Lord adds, I will now discuss the measure before the House. Upon the great question, whether we will continue the government of India in the hands in which it has already been placed by Parliament, we have scarcely any light from the noble Lord, and very little from the right hon. Gentleman who has just resumed his seat, and therefore it is that in adopting the Motion of the noble Lord, the right hon. Gentleman had to endeavour—a painful endeavour I should think it must have been for him—to prop it up by diminishing the authority, by weakening the influence, and combating the arguments of a right hon. Gentleman of great knowledge and experience (Mr. Herries) whom the Earl of Derby intrusted with the Ministry of India, and pitched upon as President of the Board of Control, and who, therefore, is the man of all others to whom the Earl of Derby and his Cabinet would have listened when he propounded his views on legislation for India. That is the first authority which the right hon. Gentleman has endeavoured, but, I think, unsuccessfully, to weaken. The next authority on this subject whom the late Government would have been disposed to consult, is the hon. Gentleman the Member for Huntingdon (Mr. T. Baring), whose unwearied attention to this subject, as Chairman of the India Committee, whose knowledge, whose experience, and whose sagacity the right hon. Gentleman (Mr. Disraeli) ought to be the last man to call in question. And yet his case is, that the authority of these two persons, pre-eminently the highest authorities of his party, are to be neglected and set aside in order to accomplish some object which the right hon. Gentleman has in view. Why, Sir, that is the way in which a great party is weakened. It is not that party will cease in England, but that when the leader of a party like the right hon. Gentleman has no clear and settled policy to state to his party, the more intelligent members of that party, who have considered this subject, find it necessary to act for themselves, and express such opinions as we have heard in the course of this debate—opinions which, if they do not agree with this Bill, yet derive much strength from the fact that while the hon. Gentlemen who express them are not willing to support the Bill, yet they have a decided opinion on this subject—that we ought to proceed to legislate for India during the present Session, and that legislation for India is the main principle and the first clause of the Bill of the

Government. Why, Sir, it was difficult to find out by whom the Motion of the noble Lord was adopted. The noble Lord's Motion states that the House requires further information before they will be prepared to legislate permanently for the Government of India. That is the first and main part of the noble Lord's Amendment. But is that the meaning of the Motion? By no means. Hardly a Member of the House who has spoken has really and sincerely taken up that view of the question. It would certainly be a very intelligible course if hon. Gentlemen really were in that position, and were not decided whether the Government of India were to continue unaltered—whether the Government should be altogether subverted—whether the Bill should be adopted—or whether a single Government by the Crown should be adopted—in that case I should consider them men not having made up their minds, and wishing for further information; but there is hardly one who has spoken in the course of the debate—that has now lasted four nights—who has not stated a clear and decided opinion as to the course he would take. Therefore the Motion is in fact entirely fallacious in its terms, and does not mean what it professes to mean. To be sure we have had an explanation of the Motion from a new supporter of the noble Lord, from the leader of the Opposition at the time when my right hon. Friend (Sir C. Wood) asked for leave to introduce the Bill. The hon. Member for Manchester (Mr. Bright) has explained the meaning of the Motion. He told the House it was intended, if the Motion succeeded, to introduce a Bill to continue the Government as it is for the space of two years; and he ventured to affirm—and I think well he might venture to affirm—that if two years were allowed he was convinced that, at the end of that period, no Government founded on the continuance of the East India Company would be adopted for India by the House. I do not find fault with this declaration of the hon. Gentleman. His conduct upon this subject has been frank, direct, and intelligible. I differ from him in some of his opinions, but I am disposed to agree with him in the opinion that, if for two years you have continual agitation, excited hopes, and inflamed opinions on the subject of the Government of India—if for two years you should support throughout India the notion that the present Government of India should be displaced, and that something more grateful to the popular feeling, some representation of all classes, something perhaps wild and impracticable, should be put in its place—if in aid of that agitation you had every man who has not been successful as a lawyer, or who has been disappointed as an applicant for office—if you find these all adding to the agitation in this country, and endeavouring to indispose the people of India to expect and approve of a continuance of the present system of government, I own I am willing to avow that the enactment by Parliament of such a Government would be highly problematical. But is that all? Will nothing else be seen in that time? Is it only the continuation of the Government that would be in question? Would not the very existence of the empire itself be endangered? And, Sir, this is not stating, as the right hon. Gentleman in his speech suggested that we had intimated—that as soon as the news of the refusal of this Bill arrived in India, there would be an insurrection. No; authority would be gradually condemned, opinion would be gradually subverted, and in that way influence would by degrees be overthrown, and at the end of two years you would find that the foundation of your Indian empire had been shaken. Well, then, I think, Sir, the noble Lord is lending the aid of his arm to shake the Government, and that he has little considered what fruit he might be scattering on the ground, what branches he might shake, what roots he might loosen, if not absolutely destroy, if he were unhappily successful with his Motion. The hon. Gentleman the Member for Manchester has an object which he has stated, and he thinks he could stop short when he had secured his object of destroying the East India Company. I doubt his power to do so; but at all events, I can understand his proceedings, for he has employed his strength in opposing us in the course which we propose; but I confess I cannot understand the tactics of the noble Lord. If the noble Lord will permit me to parody a declaration of his own, I should say, "that his Motion is neither conservative nor reforming." It is not conservative, because it proposes for a long period of time to maintain existing agitation—a purpose more opposed to Conservatism cannot well be imagined; it is not reforming, because the noble Lord has not shown us even a single feature of any plan of reform. Well, then, the right hon. Gentleman (Mr. Disraeli) says, "Oh, but you talk of dangers to India. The First Lord of the Admiralty talks of the state of Asia, and of China, and of other dangers that surround this question." I will show that in 1833 great, if not greater, dangers existed. Can the right hon. Gentleman say that, in the face of those dangers, the Government of Lord Grey postponed for two years, or even for two months, to legislate on this subject? No, Sir, in the face of those dangers, comprehending the full peril of the case, they introduced a Bill into the House, which was read a second time on the 9th of July, which was read a second time in the House of Lords on the 2nd of August, which passed through Parliament, and every danger was averted by the promptitude and decision of Lord Grey. Then I ask the right hon. Gentleman to complete his precedent, and, as he has adverted to the circumstances, to admit that we in 1853 should follow a similar course to that pursued by Earl Grey in 1833. This seems to me to be the great fact of the question of delay. I cannot but think that if the House agree to adopt the suggestion of the right hon. Gentleman, it would be a course attended with grave dangers. I say that circumstances themselves ought to be sufficient to convince the House that the authority of the Marquess of Dalhousie and of Lord Hardinge may fairly be acted upon as the opinions of persons of actual experience in the Government of the country. I think their opinions add additional weight to the force of the arguments which the question itself affords. Well, next comes the important question which my right hon. Friend (Mr. Macaulay) has called the double government. In speaking on this question, I beg the House to recollect what the right hon. Gentleman (Mr. Disraeli) does not seem to have kept in mind—the general argument used on former occasions, used by my right hon. Friend the Member for Edinburgh, and used by Mr. Mill in his evidence in favour of what had been called double government with respect to India. I beg to call this fact to the attention of the noble Lord who has brought forward the Amendment, that hitherto no one has proposed anything in effect but a double government, because no one has said that it would be sufficient to have a Minister of the Crown entrusted with the affairs of India without the assistance of some council of persons who had experience in regard to India, and who might supply that knowlege of details which the Minister would want. Let us see whether you can have any other Government for India. Let us see whether you cannot have in this country some change which shall temper and guide the Governor General, however wise, however able, and however temperate he may be—nay, let him have the abilities of a Marquess of Wellesley, all the virtues of a Lord William Bentinck—and which shall act as a check in cases where his power might require control; and then let me ask whether you can have any better check than a body of persons independent in their positions—men thoroughly acquainted with the affairs of India, and who would be able to explain to the Governor General the details of every measure proposed or adopted in India, and who would thereby oblige the Governor General to feel that every act of his must be well considered, and that if at any time he should do an unadvised or inconsistent act, he would be liable to check and rebuke. Well, Sir, I must say I think a Government of India, supported as it is by seventy years of experience, ought to have considerable weight with this House. I do not say it must be at all times the best Government, or that you may not find, as you proceed with the mechanical improvements of the present day, that some of the machinery may be simplified and replaced by better. That may be so; but what I do say is, that the course of true wisdom at the present time is to adopt that government which is sanctioned by such high authorities, upheld by such strong arguments, and confirmed by such experience. There were, however, two defects in the Indian Government which have been constantly pointed out, and pointed out by those who now find fault with us for attempting to correct those defects: one of these was, that the process of being elected to the Court of the Directors was one which occupied considerable time, and which exposed the person seeking that honour to great solicitation, and which deterred many of the ablest servants who come from India from seeking that honour. Another injustice was, that there was so much patronage in the hands of the Directors, and that, above all, the civil patronage was an object among so many of the proprietors, that it had great influence in the election of Directors. As regards the first of these, we have provided that a certain number of Directors should be nominated by the Crown—provided they had had ten years' service in India—without going through the process of election by the Court of Directors of the East India Company. I own, I think, the objection quite done away with by that proposal; nor do I think the objection once stated by my right hon. Friend the Member for Edinburgh (Mr. Macaulay) would apply to this proposal. It was no doubt the proposal first made by Mr. Charles Wynn, and he put a limitation on it, which we have adopted, and which, I think, nullifies the objection which has been made against it, namely, that the persons nominated should have passed a certain number of years, and we have proposed that the term should be ten years in India. We all know that persons who come home after long service in India are not extreme partisans or party men; that they consider India always present in their minds, and, whether they are appointed by one Minister or the other, that they regard the welfare of India above all other objects. There was another proposal made by Mr. Wynn at the time, which we have adopted, and which my noble Friend Lord Glenelg wished to adopt in 1832, which is that of diminishing the number of the Directors; and Mr. Wynn gave an admirable reason for it. He said—

> "You have twenty-four Directors divided into four committees, but three of these committees were engaged on subjects connected with trade. You are now about to deprive the Company of all business connected with trade or commerce, and, therefore, you have no need of more than the number of Directors for one of those committees —or, at least, have not so much need of them as when you had three committee sitting on trade."

I think that the plan we have suggested is a very reasonable proposal, and one which should receive your assent. I now come to the other proposal to meet the other defect I have mentioned, and here I think the proposal we have to make is not only founded, as my right hon. Friend the Member for Edinburgh showed, on sound principle—that those who go out as candidates for civil offices should be exposed to general competition—but that it may be hereafter of the greatest importance as regards the government of India. In the first place, I think it will serve to connect the people of all classes in this country more with India—that there will be a more general concern—a more general interest in the welfare of India in this country, where young men are taken from all classes of society here. And, in the next place, it will altogether put an end to the fears which, I confess, I have always entertained, that some day or other it might please the Parliament to give to the Crown the Government of India, and, with that Government, the vast patronage connected with it. I believe, Sir, there could be nothing more dangerous for India, and nothing more injurious to the constitution of this country than that course. But I have always apprehended that, without some change, such a proposal would be made. One who has written on Indian reform—a gentleman of very considerable ability, who has written on the subject last year and this —I mean Mr. Campbell—says he thinks it would be a good distribution of the patronage of India if the offices were given to persons recommended by Members of the House of Commons. I entirely differ from that proposition. I can conceive nothing more dangerous—nothing more injurious than that we should adopt that plan. If the plan we propose should succeed— and, mind, I don't say it will succeed, because it is only an experiment—whether we continue the Government in the East India Company or confer it on the Crown, you have provided a safe mode of dispensing this great patronage. I have heard hon. Members speaking in this debate with a view to amend, either with or without alterations, the present mode of the Government of India, and I have heard them speaking with a resolute determination to put an end to that Government. Some of those who have taken that line are favourable to the Government of the East India Company; but there is one extraordinary exception—my hon. Friend the Member for Montrose (Mr. Hume). I confess I was quite astonished that the hon. Member, who was wont to extol the Government of India, and to praise so highly the mode in which its affairs were administered by the Company, should give his support to a Motion of which the end was to weaken, and finally to subvert, that Government. I will not now go into the mode in which the Government of India has been conducted, I think the general result of that Government—and I state it in opposition to the right hon. Gentleman opposite—has been a flourishing condition of India—an improvement in the revenue, and an improvement in the trade of the country—greater facilities of transit than were ever known before, and, generally speaking, a flourishing and prosperous empire, upon whose fate you have now to decide. I have seen it stated that we have not now in India those great public works which the former sultans and princes of India founded, and that if we were to depart from India we should leave no monument of our power behind us. I entirely differ, Sir, both from that opinion, and from that statement. For my own part, when I look back to the government of great empires, especially in India and in other parts of the East, I can see little to admire or to approve. I see undoubtedly powerful empires, having established their power by a disregard of all obligations, founding great works for some purposes of vanity or ostentation, and erecting those works by the labour of those who were, as we see by the accounts of the sculptures of Assyria lately published, slaves—who were prisoners of war, and taken in battle with foreign nations. These works are, in fact, records of the misery, the endurance, of those prisoners of war whom, in our times, we treat with humanity and kindness. But, Sir, are there no monuments which we should leave behind us? Will history tell no tale as regards the last seventy years of our government in India? Will it not, Sir, be recorded that in that time we have put an end to those devastating wars in India in which the neighbouring princes attacked and destroyed each other to the total ruin of the people, and that the scene of the ravages of the Carnatic, so eloquently described by Mr. Burke, has not been repeated during our time? Will it not be told that, instead of this, our language has been introduced, that better notions of law and justice have been spread among the people of India, and that if we have not done what one hon. Member seemed to think, strangely enough, it was the duty of the East India Company to have done in less than a single century, and changed the whole character of the people, we have at least laid the foundations for that change of character by which the people will learn that in English estimation truth and justice are to take the place of falsehood and venality? We have introduced to the cultivated minds of India a knowledge of the science and literature of Europe, and we have thereby enabled them in future, whether they may be governed by Hindoos, by English, or by any other authority, to judge that Government by a better test than by the old barbarous rules by which one perfidious conqueror was wont to estimate another. My belief is, Sir, that, if our rule in India were to be destroyed, we should possess that consolation—a consolation better than that of having built any of those palaces, or having raised any of those stately works which sovereigns formerly erected in India. I believe and hope that the Government of this country will long continue in India; and I can see no other power so likely to maintain peace among the various nations of India, and no other power so likely to introduce improvements from time to time tending to the civilisation of India. Believing that such is our great mission, I shall decidedly, so far as I am concerned, not put that power in jeopardy and uncertainty by consenting to two years' agitation, and the anxieties attendant upon delay, and shall certainly vote against the Amendment of the noble Lord the Member for King's Lynn, and I trust that the House will assent to the second reading of this Bill.

Question put. The House *divided*:—Ayes 322; Noes 140: Majority 182.

List of the AYES.

Acland, Sir T. D.
A'Court, C. H. W.
Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anson, hon. Gen.
Anson, Visct.
Atherton, W.
Bagshaw, J.
Bailey, Sir J.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Baring, T.
Baring, hon. F.
Bass, M. T.
Beaumont, W. B.
Beckett, W.
Benbow, J.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Berkeley, C. L. G.
Bethell, Sir R.
Biddulph, R. M.
Bonham-Carter, J.
Booker, T. W.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Browne, V. A.
Bruce, Lord E.
Butler, C. S.
Butt, G. M.
Butt, I.
Byng, hon. G. H. C.
Cairns, H. M.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cayley, E. S.
Chambers, T.
Chelsea, Visct.
Child, S.
Christy, S.
Clay, Sir W.
Clinton, Lord R.
Cobbold, J. C.
Cockburn, Sir A. J. E.
Cocks, T. S.
Codrington, Sir W.
Coffin, W.
Coles, H. B.
Collier, R. P.
Coote, Sir C. H.
Corbally, M. E.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Cubitt, Ald.
Currie, R.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Davies, D. A. S.
Davison, R.
Denison, E.
Denison, J. E.
Dent, J. D.
Dering, Sir E.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, G.
Dundas, F.
Dunlop, A. M.
East, Sir J. B.
Egerton, Sir P.
Egerton, E. C.

Ellice, rt. hon. E
Ellice, E.
Elliot, hon. J. E.
Esmonde, J.
Euston, Earl of
Evans, W.
Ewart, W.
Fagan, W.
Fielden, M. J.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Floyer, J.
Foley, J. H. H.
Follett, B. S.
Forster, J.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gallwey, Sir W. P.
Gardner, R.
Gladstone, rt. hon. W. E.
Gladstone, Capt.
Glyn, G. C.
Goddard, A. L.
Gooch, Sir E. S.
Goodman, Sir G.
Gordon, Adm.
Gore, W. O.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greaves, E.
Greenall, G.
Greene, T.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Hale, R. B.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Harcourt, Col.
Hardinge, hon. C. S.
Hastie, A.
Hastie, A.
Hayes, Sir E.
Headlam, T. E.
Heard, J. I.
Heathcote, Sir G. J.
Heathcote, G. H.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hogg, Sir J. W.
Horsman, E.
Hotham, Lord
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hume, W. F.
Hutt, W.
Inglis, Sir R. H.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Kendall, N.
Keogh, W.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H.
Laing, S.
Langston, J. H.
Langton, H. G.
Lascelles, hon. E.
Lawless, hon. C.
Lawley, hon. F. C.
Layard, A. H.
Lee, W.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lockhart, A. E.
Loveden, P.
Lowe, R.
Macaulay, rt. hon. T. B.
Mackie, J.
Mackinnon, W. A.
M‘Cann, J.
MacGregor, J.
MacGregor, J.
M‘Taggart, Sir J.
Maddock, Sir H.
Malins, R.
Mangles, R. D.
Marjoribanks, D. C.
Marshall, W.
Massey, W. N.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Maule, hon. Col.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Michell, W.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Montgomery, Sir G.
Morgan, O.
Morris, D.
Mostyn, hon. E. M. L.
Mowbray, J. R.
Mure, Col.
Murphy, F. S.
Noel, hon. G. J.
Norreys, Lord
Norreys, Sir D. J.
North, Col.
O'Brien, P.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Pakenham, E.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Peel, Col.
Pellatt, A.
Phillimore, R. J.
Pigott, F.
Pinney, W.
Ponsonby, hon. A. G. J.
Portal, M.
Portman, hon. W. H. B.
Price, Sir R.
Pritchard, J.
Pugh, D.
Ramsden, Sir J. W.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Rolt, P.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sandars, G.
Sawle, C. B. G.
Scobell, Capt.
Scott, hon. F.
Scrope, G. P.
Scully, F.
Seaham, Visct.
Seymer, H. K.
Seymour, Lord
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, M. T.
Smith, rt. hon. R. V.
Smyth, J. G.
Smollett, A.
Spooner, R.
Stafford, Marq. of
Stephenson, R.
Stirling, W.
Strutt, rt. hon. E.
Stuart, Lord D.
Stuart, H.
Tancred, H. W.
Thicknesse, R. A.
Thornely, T.
Tollemache, J.
Townshend, Capt.
Traill, G.
Tynte, Col. C. J. K.
Vane, Lord H.
Vansittart, G. H.
Vernon, G. E. H.
Vernon, L. V.
Villiers, rt. hon. C. P
Vivian, J. H.
Vivian, H. H.
Vyvyan, Sir R. R.
Waddington, D.
Walmsley, Sir J.
Walter, J.
Wellesley, Lord C.
Wells, W.
Whalley, G. H.
Whatman, J.
Whitbread, S.
Wigram, L. T.
Willcox, B. M.
Williams, W.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
Alexander, J.
Anderson, Sir J.
Aspinall, J. T. W.
Bagge, W.
Bailey, C.
Baillie, H. J.
Ball, E.
Bankes, rt. hon. G.
Barnes, T.
Barrow, W. H.
Bateson, T.
Bell, J.
Bentinck, Lord H.
Biggs, W.
Blackett, J. F. B.
Blair, Col.
Booth, Sir R. G.
Bright, J.
Brisco, M.
Brockman, E. D.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cabbell, B. B.
Carnac, Sir J. R.
Chambers, M.
Cheetham, J.
Christopher, rt. hn. R. A.
Cobden, R.
Conolly, T.
Crook, J.
Disraeli, rt. hon. B.
Dod, J. W.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Farnham, E. B.
Fellowes, E.
Forester, rt. hon. Col.
Franklyn, G. W.
Freshfield, J. W.
Frewen, C. H.
Galway, Visct.
Gaskell, J. M.
George, J.
Gibson, rt. hon. T. M.
Goderich, Visct.
Graham, Lord M. W.
Granby, Marq. of
Greene, J.

Greville, Col. F.
Guernsey, Lord
Hadfield, G.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Hawkins, W. W.
Hume, J.
Hutchins, E. J.
Jolliffe, Sir W. G. H.
Kelly, Sir F.
Kennedy, T.
Kershaw, J.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Laffan, R. M.
Langton, W. G.
Laslett, W.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, H. G.
Locke, J.
Lockhart, W.
Long, W.
Lucas, F.
Lytton, Sir G. E. L. B.
Maguire, J. F.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Meux, Sir H.
Miall, E.
Moore, R. S.
Mundy, W.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Neeld, J.
Newark, Visct.
Newport, Visct.

Oakes, J. H. P.
Ossulston, Lord
Otway, A. J.
Pakington, rt. hn. Sir J.
Parker, R. T.
Phillimore, J. G.
Phinn, T.
Pilkington, J.
Pollard-Urquhart, W.
Repton, G. W. J.
Rich, H.
Robertson, P. F.
Scholefield, W.
Seymour, H. D.
Seymour, W. D.
Sibthorp, Col.
Smijth, Sir W.
Smith, J. B.
Smyth, R. J.
Stafford, A.
Stanley, Lord
Sturt, H. G.
Sullivan, M.
Talbot, C. R. M.
Thesiger, Sir F.
Thompson, G.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Villiers, hon. F.
Vivian, J. E.
Vyse, Capt. H.
Waddington, H. S.
Walpole, rt. hon. S. H.
Warner, E.
West, F. R.
Whitmore, H.
Wilkinson, W. A.
Wise, A.
Woodd, B. T.
Wyndham, Gen.
Wynne, W. W. E.

TELLERS.
Taylor, Col.
Mandeville, Visct.

Bill read 2°.

LIVERPOOL WRIT.

Order read, for resuming adjourned Debate on Question [29th June], "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Liverpool, in the room of Charles Turner and William Forbes Mackenzie, esquires, whose Elections have been determined to be void."

Question again proposed.

Debate *resumed.*

Lord DUDLEY STUART said, he wished simply to make a statement, if hon. Gentlemen would do him the favour to hear him. ["Oh, oh!"] He did not wish to detain them at that late hour, but he wished to move that the writ for Liverpool should be suspended until the 20th of July. His reason for fixing that day was, that he wished to have an opportunity for asking leave to bring in a Bill to provide that at the next election for Liverpool the votes should be taken by ballot. He had ascertained that the 19th of July was the earliest day which could be placed at his disposal, and he had therefore fixed the 20th for the issuing of the writ. He would not further trespass on the time of the House, but would move that the writ be suspended until the 20th of July.

Mr. H. BERKELEY seconded the Motion.

Amendment proposed, "To leave out from the word 'That' to the end of the Question, in order to add the words 'no new Writ be issued for the Borough of Liverpool before Wednesday, 20th July' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HINDLEY said, considering the hour, he felt it his duty to move the adjournment of the House."

Motion made, and Question proposed, "That this House do now adjourn."

Viscount PALMERSTON said, he understood the evidence taken before the Committee had not yet been printed. It was clear that the House ought to act according to former precedents, in which case the House would postpone the issuing of the writ until the evidence was printed. As, however, he could not agree with his noble Friend (Lord D. Stuart) in doing so for the purpose of enabling him to bring forward a measure for taking the votes at that election by ballot, he was disposed to move, that the writ should not be issued until that day fortnight.

Lord JOHN MANNERS said, he was of opinion that the noble Lord the Member for Marylebone had no case; and as no one could tell when the evidence would be printed and mastered by the Members of that House, he hoped the noble Lord would not persevere in his Motion, and so prevent an important borough like Liverpool from being represented.

Mr. MALINS said, it was the rule of that House not to suspend the writ unless the Committee had made a Special Report. In this case, on the contrary, they had reported that there was no reason for the suspension of the writ. He did not think the House ought to depart from the rules already laid down, and trusted the House would direct the writ to issue.

VISCOUNT PALMERSTON said, that as the Committee had recommended the issuing of the writ, he would not oppose it.

MR. HINDLEY said, he would not press his Motion for the adjournment.

Motion, by leave, *withdrawn.*

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Ordered—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Liverpool, in the room of Charles Turner and William Forbes Mackenzie, esquires, whose Elections have been determined to be void."

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, July 1, 1853.

MINUTES.] PUBLIC BILLS.—1ª Parish Vestries (No. 2).

2ª Soap Duties; Malicious Injuries (Ireland); Public Works Loan.

INDIA—PETITION.

The EARL of ALBEMARLE, in rising to *present* a petition from the Mayor, Town Councillors, Merchants, and other Inhabitants of the Borough of Birmingham, praying that the House, in any measures for the future government of India, would abolish the existing system of a double government, and establish a home administration appointed by the Crown, and directly responsible to the Imperial Parliament, said, he would trouble their Lordships for a very few moments. They had all of them duties of a different nature that evening, which would necessarily render their proceedings in that House as short as possible, and therefore he should confine his observations to one point of the statement contained in the petition, and that was, the condition of the Indian population subject to the rule of the Company. The petition declared that the condition of the people was one of poverty and depression, and he thought it necessary to make these few remarks on the subject, in order that he might neutralise the rosy tints which had been introduced into the sketches of Indian life by certain colourists of Leadenhall-street and Cannon-row. In the other House of Parliament an hon. Baronet had the other evening read an extract from an article in the *Calcutta Review*, which appeared evidently intended to meet the statements contained in an extract which he (the Earl of Albemarle) had on a former occasion quoted to a Committee of their Lordships, respecting the condition of the Bengal peasantry. The extract stated—

"What strikes the eye most in any village or set of villages in a Bengal district is the exuberant fertility of the soil, the sluggish plenty surrounding the cultivator's abode, the rich foliage, the fruit and timber trees, and the palpable evidence against anything like penury. Did any man ever go through a Bengalee village and find himself assailed by the cry of want or famine? Was he ever told that the ryot and his family did not know where to turn for a meal?"

Now, that bore the appearance to him of having been used to meet the quotation he (the Earl of Albemarle) had made from the same periodical, in which the Bengal peasant was described as being plunged in a condition of squalid misery—in which his wretchedness was pointed out—in which it was stated that he toiled from morn to night—that, despite of this, he was a haggard, poverty-stricken, wretched creature—and that he might be seen fasting for days and nights from want of food. It was clear, therefore, that one of these two statements could not be true. He thought, however, he could show their Lordships that the quotation he (the Earl of Albemarle) made was correct. He fancied he had some reason for thinking that the article quoted by the hon. Baronet in another place had been written by a young man, a covenanted servant of the Company, after a very short residence in India, and with an imperfect knowledge of the people and of the country; whereas it appeared in evidence before the Committee of their Lordships' House that the writer of the article which he (the Earl of Albemarle) had quoted was a Hindoo of the name of Peary Chund Mittra, who, on the unimpeachable evidence of Dr. Duff, was stated to be a very intelligent young man of excellent character. In a letter to himself from Dr. Duff, which he was at liberty to read, there was this passage:—

"I beg to state that the name of the writer of the article on the 'Zemindar and the Ryot,' is Peary Chund Mittra, a young man of good caste, of a Zemindar family himself, and for some years past librarian of the Calcutta Public Library. He was a particular friend of my own—sober, sedate, and thoughtful, and free from the peculiar excesses and extravagances which have unhappily characterised a certain class of natives, usually designated 'Young Bengal.'"

Dr. Duff stated, indeed, that the soil of Bengal was so extremely fertile, that if a mere stranger, and especially a British functionary, unconversant with the inner workings and framework of Native society, were to enter a village with its beautiful trees, and see their rich products and gorgeous foliage, his judgment would be a flattering but mistaken one; and he added that from "the outward and apparent signs of plenty and abundance, it took him (Dr. Duff) some time to enable him to realise, with reference to the social state of the people, the fallaciousness of any estimate founded upon them;"—a remark which applied to the quotation he had referred to —and then he went on to say, that his own later and more enlarged experience led him to confirm the substantial correctness of the picture drawn by this Young Bengalee of the ryots. A discussion had taken place a few nights ago with reference to the evils which arose out of the salt system, and he regretted very much that he was not present on the occasion. On this subject he would beg to quote very briefly from a letter which he held in his hand from Mr. Worthington, the chairman of the Salt Commercial Company at Northwich. That gentleman stated that the price of one ton of best British table salt, stove dried, free on board the ship at Liverpool, was 15*s.*; freight to Calcutta, at from 20*s.* to 45*s.*, average 1*l.* 12*s.* 6*d.*; weighing, delivery at Calcutta, commission, &c., 6*s.* 6*d.*; total, 2*l.* 14*s.* This was for a ton of salt of a quality so superior to that of the East India Company as to have sold in March last at 80 rupees per 100 maunds, while the East India Company's salt sold at 50 rupees per 100 maunds. The Company's boiled salt cost 1 rupee per maund, or 2*s.* for every 82 lb., making the price 54*s.* 6*d.* per ton. The salt duty amounted to 2½ rupees, or 5*s.*, so that the price per ton became 191*s.* 2*d.*—that was to say, that the people of India, where the price of labour was at the most 72*s.* per year, paid from 12 to 13 times as much as the English people, where labour was six or seven times dearer. The price of salt which he had mentioned, however, was the prime cost of the article at the manufactory. What the addition to the price was, and what the other evils of this system were, he might be permitted to illustrate by the following quotation from the *Calcutta Review*. That periodical said—

> "Now commences the iniquity of the system. A great proportion of the salt for inland consumption throughout the country is purchased by large wholesale merchants at less than 4 rupees the maund. These mix a fixed proportion of sand, chiefly got a few miles to the south-east of Dacca, and sell the mixture to a second, or (counting the Government) to a third monopolist, at about 5 or 6 rupees. This dealer adds more earth or ashes, and, thus passing through more hands from the larger towns to villages, the price is still further raised from 8 to 10 rupees, and the proportion of adulteration from 25 to 40 per cent—the imposition being most severe in the most distant places, to which there is no water-carriage. Suppose, however, any licensed dealer were, for the benefit of his business, to sell a purer salt than others, a combination is formed against him, and a false case is got up before the superintendent of salt chowkies, which ruins him."

It appeared, then, that the people of India paid from 21*l.* 17*s.* 2*d.* to 27*l.* 6*s.* 2*d.* a ton for their salt, or, in other words, they paid from 30 to 36 times as much as the wealthy people of Great Britain. With these facts before him, he must confess that he had been considerably surprised at the almost fulsome eulogy which the right hon. Gentleman (Sir C. Wood) had pronounced on this tax. His right hon. Friend was an advocate of free trade, and was the Financial Minister in the former Free-trade Cabinet, and it did, therefore, surprise him to find the right hon. Gentleman speaking in such terms of a tax which presented protection in its most execrable shape. It was not merely that his right hon. Friend had stated that the price was only 9*d.* a head—that alone in a family was as much as 2*s.* 9*d.* a year, or equal in amount to the income tax; but he had entirely omitted the expense of transport to different places, and the adulteration which amounted from 20 to 25 per cent. He would not trouble their Lordships any further on the present occasion; but, perhaps, however informal it was, he might be permitted to lay upon the table a petition from the Directors of the Manchester Commercial Association, praying the House not to sanction any measure for the future administration of the affairs of India which did not make provision for substantial improvements in the land tenures, public works, and commercial policy of that country. He would beg to move, that both petitions be referred to the Select Committee now sitting on Indian affairs.

Earl GRANVILLE said, that hitherto no check had been placed upon the discussion of this important subject in their Lordships' House; but after the debate which had recently taken place in another place, he must decline entering into a discussion of articles which might have appeared in a Calcutta paper. He should not oppose the reference of these petitions to the Committee.

Petitions *referred* to the Select Committee on Indian Territories.

THE ENCUMBERED ESTATES ACT (IRELAND) CONTINUANCE BILL.

Amendments *reported* (according to Order).

LORD ST. LEONARDS moved Amendments on Clause 10, the effect of which was to renew the Commission for one year instead of two, and to extend the duration of the Commissioners to three years instead of four.

LORD MONTEAGLE opposed the Amendment, but at the same time suggested that during the term of two years proposed by the Government, measures should be taken as far as possible to provide for the discontinuance of the extraordinary jurisdiction of the Commission, and the merging of its powers in the Ordinary jurisdiction of the Court of Chancery.

The **LORD CHANCELLOR** said, that the Government would be happy if the necessity for continuing the Commission should cease before the termination of the term of two years, and that they would endeavour to provide for the absorption of its powers in the ordinary jurisdiction of the Court of Chancery.

LORD ST. LEONARDS declared that this was impossible, and that the powers of the Commission could never be exercised by the Court. He clearly perceived that the secret purpose of the Government was to perpetuate the extraordinary powers of the Commission, which he conceived to be most pernicious.

LORD CAMPBELL said, he hoped the law of England and Ireland would be assimilated, not only as to the income tax, but as to the Encumbered Estates Commission, the powers of which would prove most beneficial if applied in this country in some form, whether under a similar Commission or under the Court of Chancery.

The **EARL of DESART** said, he could not concur in this wish, and scarcely thought the noble and learned Lord could have expressed it, had he not taken advantage of the Commission in some recent transactions of his in Ireland.

The **MARQUESS of LANSDOWNE**, after expressing his opinion in favour of the continuance of the Act for two years, observed that, by the operation of the Encumbered Estates Act, a division of property had taken place of a most desirable nature in Ireland, and that in a most legitimate manner. It had introduced a new and an important class of proprietors into Ireland, for a large proportion of English and Scottish capital had been so invested. From year to year, as this English and Scottish capital had been invested, the amount of such investment became greater and greater. The Act had not only introduced a new class of proprietors, but a new description of industry into that country.

The **EARL of DERBY** confessed that, from what had been said this evening by the noble Marquess and by the noble and learned Lord the Chief Justice of England, the question appeared to him to be, not whether the Act should continue for one year or for two years, but whether it should be a part of the permanent system of legislation for Ireland, and, not only for Ireland, but, from what the noble and learned Lord had said, for England also. Now, to this he should strongly object. The Act, no doubt, had worked beneficially in many respects, but it had also worked very injuriously in various instances. There were many instances of persons who were perfectly able to meet all their liabilities, but whose estates were slightly encumbered, having been driven into this Court by the compulsory operation of the Act; and the effect of these forced sales was a great sacrifice, or perhaps entire ruin. The Bill was originally introduced as an exceptional measure to meet an exceptional state of things, and he wished to record his desire to restrict that exceptional system at the earliest possible period; consequently, he should vote in favour of his noble and learned Friend's Amendment.

The **MARQUESS of CLANRICARDE** thought it was immaterial whether the Bill were continued for one year or two years, as he understood an intention had been expressed, amounting very nearly to a pledge, that there should be a very considerable alteration made in the law of real property in Ireland, so far as facilitating the sale and transfer of land, and the raising of money on real property. There was no doubt that the Encumbered Estates Act had conferred some advantages, and those, he hoped, would be preserved. And, as it was most desirable that the law in Ireland should be perfected with the least possible delay, if he thought the Amendment would effect that, he would vote for it. The Act, however, in other respects, had operated most prejudicially to the owners of real property in Ireland; because its effect was to throw the whole business of the sales of real property in that country into the Encumbered Estates Court, and by this means it put a stop to sales in other ways, and to the raising of money by way of mortgage. He thought, therefore, this state of things must be soon brought to a conclusion.

LORD BEAUMONT said, the advantages and disadvantages of the Encumbered Estates Act had not yet been distinctly stated. The beneficial and advantageous part of the Act was, the facility it gave to the transfer of landed property, and the security it afforded to titles. But he would not, for the sake of preserving those advantages, consent to make the Act permanent either in Ireland or in this country; because the principle of the Bill was highly objectionable, that principle consisting in the power which the Bill gave to a man who might be a pecuniary encumbrancer on the estate, perhaps to a very small amount, of forcing into the market that estate. He should wish to see this principle altogether put down; but, as it was intended that it should exist for some little time further, he should prefer the period of two years to that of one year, because, if it were renewed only for the shorter term, it would bring so much landed property into the market at once that there would be a glut, and, consequently, a depreciation in the value of the property.

LORD ST. LEONARDS said, that any encumbrancer, however small, had the power of presenting a petition to the Commissioners for the sale of the property; and, whether or not they were compelled, in practice they constantly did order the sale of the whole property, and the encumbrancer had the right of forcing the sale for his own encumbrance. He had lately had in his hands the papers relating to a case in which an encumbrancer for the small sum of 7*l.*, with costs amounting to 12*l.*, had presented a petition (doubtless under the auspices of some artful attorney) under which the Commissioners had actually ordered the sale of an estate worth 200*l.* a year, the first charge upon the proceeds of which would be the payment of the costs of the creditor on this petition.

On Question, their Lordships *divided :*—Content 36; Not Content 45: Majority 9.

Amendment *disagreed to.*

The EARL of DERBY said, that in the present state of the law, although the Encumbered Estates Commissioners had the power of ordering the sale of estates, they had no power to include in that sale any outstanding arrears of rent. The practice in Ireland was, that rents were not payable for a year, or a year and a half after the period at which they became due. There was no power to sell these arrears of rent with the estates, and consequently a purchaser found that for a year or a year and a half the seller was levying rents upon the property he had bought. He (the Earl of Derby) thought the simple remedy for this inconvenience would be to introduce words into the present Bill which would give power to the Commissioners to sell the outstanding arrears of rent at the same time with the property. In that case the persons selling would obtain fair and reasonable consideration for their rents, and the parties coming into possession would at once receive the rents of the property. He had not prepared any clause for the purpose of carrying his views into effect, but he preferred to bring the matter under the notice of the Government, who might consider before the third reading whether they deemed it desirable to introduce some provision on the subject.

LORD ST. LEONARDS fully concurred with the noble Earl as to the inconvenience he had pointed out attending the operation of the present Encumbered Estates Act, and hoped the subject would receive the attention of his noble Friend on the woolsack.

The LORD CHANCELLOR said, he had already pledged himself to their Lordships that his only object in introducing this Bill had been to continue the Encumbered Estates Court in its present form, merely removing a few of the obvious anomalies which existed in the present law. He had thought, however, that the introduction of such a power as the noble Earl had referred to would be open to great objection on the part of those who considered that a power of that kind ought not to be given. He must say that he felt very great difficulty in introducing such a power with reference to encumbered estates sold under the Encumbered Estates Commission, which was not part and parcel of the general law of the land. It was said, that when estates were sold in Ireland, there was ordinarily a year's rent in arrear. If, upon a sale, it appeared desirable that the purchaser should receive the arrears of rents, it seemed to him that a general alteration of the law of Ireland was requisite to enable parties who sold estates to sell along with those estates the arrears of rent upon them. He did not see why an exception should be made merely in the case of parties whose property was sold under the authority of the Encumbered Estates Court. He would consider whether a clause on this subject could be introduced into the Bill; and he believed that, if it could be done, such a clause would not only meet the wishes of the noble Earl, but also of the Encumbered Estates Commissioners.

The EARL of DONOUGHMORE was understood to say that it used to be the practice in Ireland to get up fictitious rent-rolls, and landlords who wished to borrow money from capitalists were able, perhaps, to present to them rentrolls of some 10,000*l.* a year, though the rents actually received were 20 or 25 per cent below that amount. When the Encumbered Estates Act came into operation, the arrears of rent upon such properties were enormous, and the Commissioners had no power when they sold the estates to give a legal receipt for the arrears, though the former proprietors had never intended to claim them. This led to great inconvenience, and he thought it was most desirable that, if possible, some provision should be made in the present Bill for remedying that inconvenience, and for contriving some mode by which the arrears of rents on encumbered estates might be sold with the estates themselves. He had given notice of his intention to propose the addition of some clauses to this Bill; but after conversations which he had had with his noble Friends opposite, he was quite ready to leave the subject to which these clauses referred in the hands of the Government.

Bill to be read 3ª on *Tuesday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 1, 1853.

MINUTES.] NEW MEMBER SWORN. — For Edinburgh County, the Earl of Dalkeith.

PUBLIC BILLS.—1° General Board of Health (No. 3).

3° Resident Magistrates (Ireland); Common Lodging Houses; Sheriff Courts (Scotland); Battersea Park; Westminster Bridge.

RUSSIA AND TURKEY—THE MOUTHS OF THE DANUBE.

MR. LAYARD said, that seeing the noble Lord the Member for the City of London in his place, he wished to put a question to him. A statement had appeared in the public prints, which had been corroborated by private letters from the East, to the effect that the Russian authorities had blocked up the entrance into the principal channel of the Danube, in consequence of which a large number of vessels, about 370 in number, comprising some English vessels, laden with corn, had been prevented leaving the Danube. He wished to ask the noble Lord if he had received any information to that effect, and if he was prepared to lay that information on the table of the House?

LORD JOHN RUSSELL: I have no information to lay on the table of the House. A letter has been received from one of the consuls stating that the ordinary course of the river has been impeded; but the Government have received no account of the Russian authorities using any means to prevent the navigation of that river.

BRITISH SUBJECTS IN SOUTH CAROLINA.

MR. J. WILSON having moved that the House at its rising do adjourn to Monday next,

MR. FITZSTEPHEN FRENCH said, he rose to call the attention of Her Majesty's Government to a statement reported to have been made by the noble Lord the Secretary for Foreign Affairs—

> "That successive law officers of the Crown had given their opinion that the state of South Carolina was justified in imprisoning, as they now do, coloured seamen, subjects of Her Majesty;"—

and to inquire whether in their future relations with that State, Her Majesty's Government were prepared to admit the legality of these proceedings? He had on a previous night pointed out the great grievances to which a portion of Her Majesty's subjects were liable in South Carolina. He would also point out to hon. Members the opinions of the Attorney General of the United States and of several of the Judges of South Carolina itself, against the legality of this practice in the latter State. The Supreme Government of the United States had also taken the same view, and had communicated their opinion upon the subject to the Government of South Carolina; and from the strong remonstrances that were made it was hoped that this unjust system would be given up. Indeed, promises to that effect were given by the State of South

Carolina. The papers he had asked for on a former evening were granted; but it was reported that Her Majesty's Minister for Foreign Affairs had stated that successive law officers of the Crown had given it as their opinion that the conduct pursued by the authorities in South Carolina was perfectly justified by law, and that this country had no legal claim to urge against it. He could not ask for those opinions to be laid upon the table of the House; but he could not avoid expressing his surprise at hearing that such a view of the case had been taken by the noble Lord on this subject. He would not believe that such an opinion was expressed by the Earl of Malmesbury, or by the noble Lord the Member for London; and as regarded the noble Earl at present at the head of Foreign Affairs, if that noble Earl had made such statement, he (Mr. French) could only say that he believed he had fallen into a great error upon the subject. He would ask the noble Lord (Lord J. Russell) whether it was a fact that successive officers of the Crown had pronounced such an opinion, and whether such an opinion had been communicated to our representative in the United States?

Lord JOHN RUSSELL: I must, Sir, decline to enter into any discussion on this subject, or to state precisely what is the opinion of the law officers of the Crown. I must content myself by stating that the subject is one with respect to which great difficulty exists, and that it has been fully considered by the Government. I cannot of course say what has been the opinion of my noble Friend the Secretary for Foreign Affairs; but there is no doubt that it is not justifiable on the part of the State of South Carolina to imprison coloured seamen, subjects of Her Majesty. I say that that act is not morally justifiable. My noble Friend (Lord Palmerston) now the Secretary of State for the Home Department, and successive Foreign Secretaries, have made repeated remonstrances on this subject; but there is great difficulty, arising from the peculiar constitution of the United States, in obtaining a remedy. The only power with which we can deal is not the State of South Carolina, but the general federal Government of the country; we have no diplomatic relations with the separate States. When we come to the Secretary of State to the United States, it appears, first, that the power of Congress and the general power of legislating for particular States are limited, and that, therefore, it is impossible for the federal Government to overrule the law of the State of South Carolina, without giving rise to opposition and resistance. But it is suggested that the only way in which we can obtain any redress is by putting an end to our treaties of trade and commerce with the United States. That of course is a very serious question; and Her Majesty's Government can only say, feeling the difficulty of the subject, and having no doubt whatever of the oppressive and unjust character of the law of South Carolina, that they will continue to use every endeavour, consistent with proper discretion, and a due regard to the law of nations, to obtain an alteration of this law.

Mr. HUME said, that the question was a very important one, and also a very difficult one to deal with in consequence of the peculiar constitution of the United States. He concurred in the opinion that the proceeding was an illegal one, because the question should be considered on the general principle of the liberty of British subjects, and not the circumstance that a man was black or white. Good feelings now existed between the two countries, and he thought that the Government acted properly in endeavouring to arrange the matter by friendly and amicable communication.

Motion *agreed to*: House at its rising to adjourn until Monday next.

CUSTOMS, ETC., ACTS.

Order for Committee read,

House in Committee on the Customs, &c., Acts.

STAMP DUTIES.

The CHANCELLOR of the EXCHEQUER moved—

"That from and after a time to be specified, in lieu of the Stamp Duties now payable on the following Deeds or Instruments, there shall be charged and payable there on the Stamp Duties hereinafter set forth, (that is to say):—

"Conveyance of any kind or description whatsoever, in England or Ireland, and Charter Disposition or Contract, containing the first or original constitution of feu and ground annual rights in Scotland (not being a lease or tack for years), in consideration only of any annual sum, payable in perpetuity, or for any indefinite period, whether fee farm or other rent, feu duty, ground annual, or otherwise,	*s.*	*d.*
"Where the annual sum thereby reserved, secured, or made payable, shall not exceed 20*s*.	2	6
"And where the same shall exceed 20*s*. and shall not exceed 12*l*., then for every 20*s*. or any fractional part of 20*s*. of such annual sum . . .	2	6

	s.	*d.*
"And where the same shall exceed 12*l.* and shall not exceed 24*l.* then for every 40*s.* and for any fractional part of 40*s.* of such annual sum	5	0
"And where the same shall exceed 24*l.* then for every 4*l.* and for any fractional part of 4*l.* of such annual sum .	10	0"

MR. DUNLOP said, he considered this proposition as exceedingly just and desirable in itself, and as conferring a boon on the owners of small properties in Scotland which would be thankfully received by them.

MR. A. KINNAIRD said, he also thought the change one of great importance, inasmuch as it would tend to improve the habitations of the working classes.

Resolution *agreed to.*

The CHANCELLOR OF THE EXCHEQUER then moved—

"That from and after a day to be named, the following Stamp Duty shall be charged and paid, (that is to say):—

	s.	*d.*
"On any Scrip Certificate, that is to say, any document denoting, or intended to denote, the right or title of the holder thereof, or any person, to any share or shares in any Joint Stock or other Company, or proposed or intended Company, or any Certificate declaring or entitling the holder thereof, or any person, to be or become the proprietor of any share or shares of or in any such Company, where such Certificate, or the right or title to such share or shares shall be or be intended to be transferable by the delivery of such Certificate, or otherwise than by deed or instrument in writing . . .	0	1"

Resolution *agreed to.*

ADVERTISEMENT DUTY.

The CHANCELLOR OF THE EXCHEQUER: With regard to the next Resolution, Sir, I shall not at this moment make any statement respecting it, because I have already made a statement of the general principles upon which it is founded at an earlier period, except to explain to the Committee, I hope clearly and distinctly, two alterations that have been made in the proposition of the Government as originally submitted to the House. When the plan was originally proposed by me as part of the financial statement, it was combined with a proposition with regard to supplements to newspapers, which has since undergone material modifications in two particulars, which I will now state to the Committee. In the first place, I had, I must frankly confess, through an inadvertence which I hope the Committee will excuse, on account of the multitude of important subjects which more immediately pressed upon my mind, proposed that the privilege of freedom from stamp duty upon supplements should be confined to such supplements as were filled with advertisements only. But a very brief consideration of the question makes it quite obvious, that the effect of that proposition would have been to neutralise almost the whole of the beneficial consequences anticipated from the measure; and to do more than neutralise it in some respects, because it would have given to the subject a very invidious character, seeing that it would have been wholly inoperative except in respect of some one or very limited number of newspapers, with regard to which it would assume, therefore, the character of legislation in the spirit of favouritism. A change, therefore, was determined on; and the proposal which is now made is that which is printed in the Stamp Duties Bill, with regard to supplements. It is a proposal that is entirely irrespective of the question whether the contents of supplements may be news or advertisements, or a mixture of both. The other point in which the proposition has been materially changed is, that, instead of a general removal of the stamp duty upon newspaper supplements, the removal or freedom from stamps is confined to what is commonly known as single sheets. I mention this because the technical language in which the enactment is necessarily conveyed, may not carry to the minds of those not familiar with the language of the present Newspaper Stamp Act a correct idea of what the intention is. In point of fact the most correct description of what is intended is this—it is not so much the removal of the stamp duty upon supplements, as the simple enlargement of the newspaper space. By the present law the stamp of a single penny will only cover a newspaper—that is, the printed superficies upon one side of the paper—not exceeding 1,530 inches. I propose to enlarge this space by 50 per cent—that is, to raise it to 2,295 inches, but leaving to parties either to enlarge their ordinary sheets, or to alter the folding of them as they please; or, if they choose, to obtain the maximum size of the sheet, and print it as a supplement. In fact, the Committee will perceive that I impose no limitation whatever with regard to the employment of the space of 2,295 inches, except the single limitation that they must not distribute it into more than two sheets of paper, which of course has reference to the possibility of evasion by parties who might wish to make use of it for purposes for which it was not intended. These, then, are the changes we have made—an enlargement of 50 per cent is given to newspaper space, and we remove the stamp duty upon supplements. The effect of that enlargement will be to allow of the publication of a single supplement without the stamp duty; but when they pass beyond the limit of 2,295 inches, a further stamp duty will be payable at the rate of 1*d.* for each 2,295 inches, or ½*d.* for each moiety of 2,295 inches.

Mr. BRIGHT: I beg the right hon. Gentleman's pardon; but I thought the subject of the Resolution we were about to discuss was the advertisement duty, and not the duty on supplements.

The CHANCELLOR of the EXCHEQUER: The hon. Gentleman is quite right; and I do not wonder at the remark of the hon. Member at all. The question before us is strictly and exclusively the advertisement duty; but, partly for the reason that nothing is printed in this Resolution with regard to the stamp, nor with regard to the enlargement of space, and partly because the connexion between the two subjects is so close, I have thought it desirable to bring before the Committee the alterations that have been made, in order that hon. Members may clearly know what they are.

Motion made, and Question proposed—

"That from and after the 5th day of July 1853, in lieu of the Duties now payable on Advertisements, there shall be paid:—

	s.	*d.*
"For or in respect of any Advertisement contained in or published with any Gazette or other Newspaper, or any other periodical paper, or in or with any pamphlet or literary work .	0	6"

Mr. MILNER GIBSON: I wish, Sir, to move an Amendment to this Resolution; to leave out all the words after "that," in order to insert these words—"all duties now chargeable on advertisements be repealed in accordance with a Resolution of this House on the 14th day of April last." I shall not refer to the statement of the right hon. Gentleman with regard to the stamps upon supplements, because that question is not before us. But I remarked that he was candid enough to tell us that the remission, so far as the stamp upon supplements was concerned, would have reference to one, or at least to but a limited number of newspapers—

The CHANCELLOR of the EXCHEQUER: No, no; nothing of the sort. That had reference to my former plan.

Mr. MILNER GIBSON: Well, when we come to consider the stamp upon supplements, we shall discuss that question. I am sorry—having been favoured with the opportunity on a previous occasion of stating my general objections to a duty on advertisements—to be under the necessity of again troubling the Committee upon the question of the advertisement duty; and I shall not presume to trespass long upon their time, or to go again at any length into the objections to the advertisement tax. But I did fancy, after the decided expression of the opinion of this House, by a deliberate vote, not a surprise, not an accident, but an expression of opinion as fairly obtained as any in this House—that the advertisement duty would be repealed—I did fancy that the right hon. Gentleman and the Government would have bowed to that decision, and settled the question by simply proposing the repeal of the duty. The right hon. Gentleman undoubtedly said, that after the Resolution of the House he would reconsider his proposition. Now, when a Minister says he will reconsider a proposition, and hear what is to be said, one is inclined to take rather a favourable view of the future; and, during the interval of two months and a half that the right hon. Gentlemen has been reconsidering his original proposition, I have been in a sort of fool's paradise, fancying he would agree to the decision of the House. But it turns out that we have been, not to speak too strongly, trifled with; for the right hon. Gentleman comes down now, setting at defiance the previous vote of this House, and proposes to enact a fresh duty upon advertisements. Now, I simply ask the Committee to agree with the vote of the House of Commons, that the advertisement duty shall be totally repealed; and I would remind the Committee that the principle upon which that vote was come to was not the amount of the duty—nobody talked of the eighteenpence. We did not ask that it should be reduced to sixpence; but we said it was an unequal, unjust, and impolitic tax, and that it ought not to be made a source of public revenue. If you are of opinion that this is a proper tax, I prefer the eighteenpence; for if we are to have the expense of collection—if we are to have the vexation of sending all these papers and publications to the Stamp-office to be examined—let us, at least, have some revenue for it. But the decision was founded upon the principle that advertisements were not fitting to be a permanent source of public revenue; and the Chancellor of the Exchecquer was called upon to make such financial arrangements as would enable us to repeal this duty. The inequality of a small duty is just as great as the inequality of a large duty. I am afraid that the right hon. Gentleman, in coming to his conclusion upon this question, has put himself into the hands of certain large newspaper proprietors, who fancy that, in this remnant of the advertisement duty, they see a small protection; and that the large number of advertisements which would undoubtly rise up, especially in the agricultural districts, would perhaps be the means of feeding and supporting struggling papers that might eventually come into competition with the more successful journals of the day. This, I admit, is somewhat of an assumption; but it is not, I apprehend, quite without foundation, for I have heard the name of a gentleman mentioned as a high authority for it, who is connected with a paper in the county of Sussex; and I am quite sure that the ground he took, among others, was, that these duties were in the nature of protection to established papers. I should like some of those established papers that have been such violent freetraders as to the article of corn and other commodities, to try the effect of free trade in newspapers; and I am for repealing the advertisement duty for the very purpose of enabling advertisements to be inserted in the smaller and struggling papers, to be a source, and a legitimate source, of support to those papers. The right hon. Gentleman, however, will find it impossible to pass the Resolution in the form he has submitted it to the Committee. I contend that the wording of the Resolution as it now stands is fatal to it. The right hon. Gentleman proposes to subject to a tax every advertisement, in any pamphlet, or literary work; that is to say, in any pamphlet or in any book. No doubt it is just that, if an advertisement be taxed when it is in a newspaper, and when it is in a periodical, it is right it should be taxed also when it is in a book or in a pamphlet; but let me ask the right hon. Gentleman whether he means to enforce that part of the Resolution? Let me ask him whether it is not in point of fact a mere pretence to show a sign of impartiality when there is no intention, and when there exist no means whatever of collecting the duty upon advertisements in books and pamphlets? The right hon. Gentleman has no intention, I suppose, of bringing in a Bill to enable him to collect the duty upon advertisements in pamphlets and books. Let me then ask the right hon. Gentleman to explain when, and where, and to whom, and under what circumstances, the duty upon advertisements in pamphlets and books is to be paid? He knows there are no provisions in any Statute which will enable him to collect that duty. I contend, therefore, that it is an absurdity to impose a duty upon an article without at the same time providing means for its collection. It is as if a man who built a house with several stories should fancy he had made a complete structure when he had forgotten the staircase. But I complain of this, because there is a show of impartiality and justice in levying the duty in all cases, when in reality there is no intention of levying it except upon advertisements in periodicals and newspapers—thus placing the periodical and newspaper press at a disadvantage, and making it the interest of every man to find out some other mode of advertising rather than in the legitimate way—namely, in newspapers and periodicals. It is, in short, an indirect and most effectual mode of crippling and restraining the press, and of injuring its independence, inasmuch as it deprives the press of this legitimate source of support—namely, the fund that is derived from advertisements. You will still continue to see, if you enact this duty, the untaxed advertisements upon your walls, in your books, in your pamphlets, in omnibuses, and in every situation that can be found to catch the public eye, because there is a direct premium on them there, instead of going to the legitimate field of advertising, namely, the newspapers and periodicals of the day. Upon these grounds, Sir, then, I ask the Committee to support me in the Amendment I now move, which Amendment I beg, without further trespassing on the time of the Committee, to place in the hands of the Chairman.

Amendment proposed—

"To leave out the words 'in lieu of the Duties now payable on Advertisements,' in order to insert the words 'all Duties now chargeable on Advertisements be repealed, in accordance with a Resolution of this House of the 14th day of April last,' instead thereof."

The CHANCELLOR OF THE EXCHEQUER: Sir, I am very reluctant to occupy the time of the Committee upon this subject; but, at the same time, it is my duty to state distinctly to the Committee the reasons why the Government have not thought it compatible with their obligations to acquiesce in the vote to which the House of Commons came upon an earlier day. I think, however, it will be felt that such a Resolution upon the part of the Government, is a Resolution that requires explanation; and I shall not be discharging my duty if I decline affording that explanation. The right hon. Gentleman has, however, stated several things to which I must refer in the first instance. He says, in the first place, that after the vote of the House of Commons on this subject, I promised to reconsider the proposition of the Government. The right hon. Gentleman is totally mistaken; I never used any such expression. I did use an expression upon the subject; but the expression I used was the direct reverse of that which the right hon. Gentleman has attributed to me.

MR. MILNER GIBSON: I can assure the right hon. Gentleman, that, upon the question being put to him several times, by myself among others, he stated that he would be prepared to state what the intentions of the Government were upon the vote at a future day, and that the subject was under consideration. The meaning of a subject being 'under consideration' is, I apprehend, well known to hon. Members.

The CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman, I think, has made a marked grammatical difference between his present explanation and his former statement. The right hon. Gentleman, from his long Parliamentary experience, must know that it conveyed a very different meaning. My statement, as the Committee well knows, conveyed a sense totally different. I did say something was under consideration, and something was under consideration—namely, the plan of the Government having reference to supplements. Nor did I mean to deny that this was under consideration; nor did I mean to deny that the whole proposition, until it was put to the House, was under consideration. But the right hon. Gentleman says I stated that I would reconsider it—which is a totally different thing. With regard to the wording of this Resolution I shall be very brief. I have moved it in precisely the terms of the present law. The question whether there is to be a duty on advertisements in pamphlets and books, is a question that may be very fairly considered by the Committee if they please; and if they wish to alter the phraseology of this law, it is open to them to do so; but I have thought it right and more convenient to adhere to it. At the same time, I adhere to it because the objection has no connexion with the main point at issue, which is whether advertisements ought to be subject to one rate or description of duty or not. The right hon. Gentleman spoke of the expense of collection. Well, no tax is collected without some expense. But, if the right hon. Gentleman means to say that the expense of collection constitutes an especial burden in the case of advertisements, as compared with any duty of similar extent, and that that is one reason why the duty should be condemned, I beg to say that I differ from him, for I consider that it constitutes no such burden whatever. Then he says that a small duty is as unequal as a large duty. No doubt every rateable duty is necessarily an unequal duty. The penny postage in one sense is an unequal rate; it is an unequal rate, if you look upon it in this way, that you pay just the same for the conveyance of a letter ten miles as you do for its being carried five hundred? Yet that is a duty very satisfactory to the public, because, though there is inequality in it when it comes to be critically and microscopically examined, yet it is a duty moderate in amount in relation to the service performed, and it works well for the public interest. The right hon. Gentleman also renews his objection, that this reduction is a boon to the large newspapers; not only does he say that, but he says it is a boon to one, or at least to a very few, of the large newspapers. That it is a boon to the large newspapers, in one sense, I have not a doubt; and in that sense only is it a boon to large newspapers—that is to say, those papers which are successful in their trade will derive much more advantage from your fiscal revisions, than newspapers which are unsuccessful. But if the right hon. Gentleman means to say that this reduction is a boon only to one or to a few large newspapers, from that doctrine I beg leave totally and entirely to dissent. He has himself moved, or some other hon. Member has moved, for a return connected with this matter, from which it appears that out of the sum of 30,000*l.*, now levied in stamp duties upon supplements, 22,000*l.* are paid by a single newspaper—the *Times*. I conclude, therefore, that the right hon. Gentleman means it to be understood that this is a boon to the *Times*, and to nobody else. [Mr. M. Gibson: No, no!] Well, he does not. I will not pretend to answer him, then, as to that; but I will just point out how far it is a reasonable assertion or otherwise that this reduction will be of benefit only to the great newspapers. No doubt, with the exception of the *Illustrated London News*, and certain papers in the provinces, the *Times* is the only newspaper that can afford to give large supplements stamped. The other newspapers are prevented in a great measure by the supplement stamp from giving supplements. But what has been the case in other articles where the duty has been reduced. Take the case of coffee some twenty or thirty years ago. When the duty upon coffee was 3*s*. 6*d*. per lb. it was consumed only by the rich; and it could scarcely ever be obtained even in small quantities by the poor. Now the duty is 3*d*. per lb. or thereabouts. Will the right hon. Gentleman contend that that reduction has been a boon only to the rich? By reduction you let other consumers into the field; and not only that, you let in other competitors, and by this reduction of duty on supplements, you give effect to the reduction of the advertisement duty. What would have been the effect of a reduction of the advertisement duty without an alteration in the newspaper space? The small papers are anxious for the reduction of the advertisement duty, but they are perfectly indifferent to the increase of space. Let the Committee mark this. You allow the penny stamp to cover only a certain space, and you charge advertisement duty. Well, there are certain portions of the press who say, "We are indifferent about the enlargement of space, but we want the advertisement duty off." What, I ask, would be the effect to the public of a great increase in the number of advertisements without an increase of space? It would be this, that a greatly increased number of advertisements would compete for the possession of the same space; and the numbers being increased, you know the consequence. The object of the remission or reduction of the duty would be lost to the public, but a large additional profit would be obtained by the proprietors. This is the question as regards the duty upon advertisements; but it is impossible for the Committee, if they are disposed to enter into this question, to take so narrow a view of it. The total abolition of duties of this character is a very serious matter, and the Committee will do well to consider whither the principle of such abolition will lead them, and where it is to stop. Let us look at the case of the advertisement duty in connexion with the other taxes that are popularly and by a sort of cant phrase, called "taxes on knowledge." I do not think the term "taxes on knowledge" is applicable to the advertisement duty; it appears to me that the advertisement duty is rather a tax upon trade and labour, principally upon trade, but partly upon labour. That, I think, is a fair description of it. Now the taxes that affect newspapers at present affect it in three ways—by the paper duty, by the stamp duty, and by the advertisement duty. The stamp duty, whatever it may be in its form, is in its substance neither more nor less than a charge for service performed. [Mr. M. Gibson: No, no!] What! I hear the right hon. Gentleman say No. Are not newspapers carried free all over the country, posted and reposted as often as any person pleases? Now, I want to know, is that a service performed, or is it not? Whether it is performed in consideration of the penny stamp or not, it is a service performed. Now, I do not want to entrap any hon. Gentleman into an admission whether this is a good mode of making the charge or not, for this is not the question before us. Whether the charge should be by a uniform stamp, as it is now, or in what manner newspapers should go through the post, is not the question. But certainly in the intention of Parliament, and in point of fact, the stamp is a remuneration for service performed. I have made it my business to ascertain some facts on this subject; and a calculation has been made in the General Post-office, by persons of the highest authority, from which it appears that the 400,000*l*. received for the stamp on newspapers does not do more than remunerate the Post-office for the actual labour performed in connexion with them, and for the payments they have to make on account of the transmission of newspapers. So much for the stamp duty, leaving open the question of its form. The second of these duties is the paper duty. What view does the Committee take of the paper duty? There, again, a very serious question will probably be raised upon the earliest opportunity that the state of the revenue will admit. The paper duty, I maintain, ought, when the state of the revenue will permit it, to be altogether abolished. It appears to me that the paper duty is an inexpedient and impolitic tax altogether. Why? Because it imposes upon the trade of the country an amount of burden totally disproportioned to the receipt of revenue; it interferes with the diffusion of employment through the country in the worst and most inconvenient form; because the paper trade, if it were only free as a trade, would not be confined to the great centres of population, but it would find its way, according to the conveniences of locality, throughout the country, and would diffuse and equalise employment among different classes of the community. Therefore I say the paper duty is a duty which is bad in itself, and one which, as soon as the state of the Treasury will allow, ought upon general principles, if the House of Commons take that view, to be repealed. In the same way it is equally true that the advertisement duty is bad in itself. Then the right hon. Gentleman raises this issue now—he says, "It is a bad duty, and we are determined to get rid of it;" and he prefers the 1*s.* 6*d.* duty, if we are to have any duty at all. Well, if he prefers the 1*s.* 6*d.* duty, he may readily gain his object; because the effect of his proposition is nothing more than to leave the 1*s.* 6*d.* duty in force. He may, therefore, gain his purpose; but I hope the Committee will look calmly and dispassionately at this question; that they will consider whether this source of revenue is a source that ought or ought not to be got rid of. I venture to say this, that, if upon such arguments as have been made against the advertisement duty, the Committee is prepared to consent to its abolition, the principle that will carry the abolition of that duty will carry us a great deal further. The advertisement duty is not a tax on knowledge; it is a tax upon trade and labour. Are you to strike off from your Statute-book all taxes, I want to know, upon trade and labour? Well, that is a very serious question, and there are many other taxes you will have to consider upon the same ground. With regard to the advertisement duty, I hold it is undoubtedly a bad duty if it is extortionate in its amount; but it is not bad or unreasonable in its general operation, provided the amount be moderate, while the objection of inequality, if valid, will apply to every rate of duty whatever. Upon what principle, I will ask, do you tax bills of exchange? Are not the taxes upon them a distinct impediment upon commerce? Of course they are. There is not a bill stamp in reference to which it may not be said, so far as it goes, it is an impediment to commerce. But would you part with the 614,000*l.* you derive from bills of exchange? And what do you mean to do with the duty upon insurances? That is surely a tax upon trade, and it is as distinctly a tax in the nature of a discouragement upon prudence. Now, I should like to argue this question of the insurance against the advertisement duty, taking the side of the insurance duty, and leave the Committee to decide which it would be most desirable to repeal. But were they prepared to give up the tax on insurances? [Mr. M. GIBSON: Yes.] The right hon. Gentleman says he is; and he is consistent, for the right hon. Gentleman wants to get rid of indirect taxation. But I want the Committee to see whether this will lead; and if they do not take the consequence into their view, I will take care it shall be from no fault of mine. I say that if in this vote you are carrying out the principle of indirect taxation, of necessity you must find a substitute elsewhere. I know pretty well what "elsewhere" means. "Elsewhere" means the realised property of the country. But it is desirable we should consider well how far we are going on this road, and where we mean to stop. I do not mean to lay down any extreme opinions upon that subject, but I must call the attention of the Committee to what they are doing. I have just now referred to about 2,000,000*l.* of indirect taxation; and we have had a distinct intimation from the right hon. Gentleman that he is quite prepared to follow up the principle on which he acts, and to part with that 2,000,000*l.* of indirect taxation. But I beg the Committee to consider how we stand in that view of the case. The right hon. Gentleman says that this Motion must be carried, because the House of Commons have voted it before. If that is a reason why the Motion should be carried, what answer am I to make to my noble Friend the Member for Middlesex (Lord R. Grosvenor), who has four or five times carried a Motion for the repeal of the attorneys' certificate duty? If it was incumbent on the Government to agree to the present proposal because it had once been carried in Parliament, it must be five times more incumbent on them to repeal the duty on attorneys' certificates. No doubt that in April last the division on the advertisement duty was, Ayes 200; Noes 169. The right hon. Gentleman says that is a reason why we are precluded now from opposing his Amendment. Well, I say if that is a good argument in the case of the advertisement duty, it is a good argument in the case of the attorneys' certificate duty. What is the opinion of the Committee about that? It is true that by a single vote the House of Commons declared it was expedient to repeal the advertisement duty; but with regard to the attorneys' certificate duty what has been the case? In 1850 you declared that that duty ought to be abolished by 155 to 136; in 1850 you again declared the same by 139 to 122; and a third time in 1850 you declared the same by 105 to 103. This was but a small majority; but in 1851 you improved, for then you affirmed the same by 162 to 132. Thus, there were four successive declarations by this House of Parliament that the attorneys' certificate duty ought to be abolished. Then you had a general election; and did the case lose ground by it? No, for on the 10th of March the House resolved, by 219 to 167—a much larger majority than before—that the duty ought to be abolished. I say, then, if it was obligatory upon the Government to consent to repeal the duty in consequence of the votes of this House, the case in favour of the last is five times as good as the other. But by this means you take away 150,000*l.* from the estimated surplus of this year. I say this further—before the financial statement is made it may be very well that there should be votes upon particular questions of finance, or upon particular points in connection with the general state of the country; but after the financial statement has been made, and the resources and requirements of the State have been placed in juxtaposition, then I say that a very different kind of responsibility is incurred by such Motions as this. I will remind the Committee how we stand in this respect. In the financial statement I stated that we anticipated a surplus amounting t o 807,000*l.* I stated at the same time that of the items of which that surplus was composed there were 200,000*l.* which must be regarded as at present totally uncertain. I shall not go into details on this subject, but it is my duty to inform the Committee that we shall lose the whole of that 200,000*l.* I made a proposal as to licences, from which I expected to derive 110,000*l.*; but I must say I think the opinion of the House of Commons and the country is adverse to that proposal. On the whole, I think, from the feeling of the House, that that proposal could not be maintained, and, as a consequence, the whole of that 110,000*l.* is gone. There is 310,000*l.* of the surplus gone at once. I must state further that 215,000*l.* of the surplus consists of occasional payments, which would be available for this year, but would not return. These amount to 525,000*l.* out of the surplus of 807,000*l.*, reducing it to 282,000*l.* Then the right hon. Gentleman proposes to take away the 6*d.* advertisement duty, to which I look for 80,000*l.* at least; and, if the reason he has assigned is to prevail—namely, the vote of the House of Commons—we shall have to give up as well 70,000*l.* for the attorneys' certificate duty. Now I put it to the Committee whether it is a justifiable or a prudent course, when circumstances have already reduced your surplus to 282,000*l.*, to give up the further sum of 150,000*l.*, and thus leave nothing that can be called a surplus—a mere nominal balance, and this at a time when you are undertaking to carry into effect great and extensive financial operations? These are my views. But I must say this further to the Committee —I hope they will think upon what we are doing with regard to direct and indirect taxation. It is very well to make fine speeches about direct taxation, and the excellence of the substitution of direct for indirect taxation; but I believe it is a delusion. I do not believe you can with security materially alter the balance of direct and indirect taxation. Any step on this subject must be taken with great caution and circumspection. I am convinced that this vote will operate in the nature of a trap, though I believe it is not so intended. It is my firm conviction that it will be unwise to surrender too many sources of indirect taxation in obedience to the principle on which that vote is founded. What are we doing this year? Is what we are doing this year enough or not? We propose to repeal 5,500,000*l.* of taxation; and of that 5,500,000*l.* of taxation, if not the whole, nearly the whole, is indirect taxation. We are going to impose 3,000,000*l.* of new taxation, and of that 3,000,000*l.* of new taxation 2,500,000*l.* are direct taxation. I put it, then, to the Committee, that, under these circumstances, they ought not to give a vote which virtually will lead them on to the surrender of a large further sum of money available from indirect taxation, until they have well considered whether it is desirable to make a further great addition to direct taxation. I do not wish to be responsible in any degree for bringing about a state of circumstances which shall compel this House to do what would otherwise be unpalatable. I wish the House to exercise a free and independent judgment; and I wish to make no circumstances out of which the necessity shall arise to act in a certain manner, but, before the necessity has arisen, to point out its probability, in order that while there is yet time the Committee may hesitate before being entrapped into the consequences of any vote they may be induced to give. These are the general grounds on which I feel it my duty to leave to the right hon. Gentleman the responsibility of the proposal which he thinks it his duty to make. The right hon. Gentleman has made that proposal with perfect fairness. He states that he is undoubtedly prepared to give up all the revenue from the advertisement duty—that he looks upon it as a bad revenue. I, on the contrary, venture to put it respectfully to the Committee that it is not a bad revenue, but that, restrained within moderate limits, it is as fair, reasonable, and just as most other portions of our financial system. At all events, I say, do not give a precipitate vote (because men may act with precipitancy after even a lapse of time), if that vote may lead to consequences which you have not fairly anticipated and dispassionately weighed. Do not allow yourselves to be brought into a position in which you must alter eventually the balance of taxation of the country, before you have well considered what will be the consequences of that change, and whether the result will be a fairer distribution of public burdens than the present division of direct and indirect taxation appears to give. It is upon that account I feel myself called upon to oppose the Amendment of the right hon. Gentleman.

MR. COBDEN: I wish, Sir, to call the attention of the Committee to the subject matter under consideration. It is a very simple, and, so far as the amount is concerned, a very small question. The right hon. Gentleman the Chancellor of the Exchequer has led the Committee into the consideration of all sorts of subjects except the one before us. And he has endeavoured to evade the responsibility which I think rested upon him, by paying some attention to a vote of this House, by an *ex post facto* argument created by himself, which is utterly indefensible. In the first place, I would remind the right hon. Gentleman that 60,000*l*. is the amount, and not 80,000*l*., which he estimated from advertisements—

The CHANCELLOR OF THE EXCHEQUER: I beg your pardon. You are quite wrong. I stated 80,000*l*.

MR. COBDEN: Well, whether it be 60,000*l*. or whether it be 80,000*l*., which the right hon. Gentleman stated in his Budget he expected to receive from the reduced advertisement duty, is not material. But the right hon. Gentleman now forgets in setting up the plea that he cannot take off 80,000*l*. of taxation, that he himself has created this 80,000*l*., after a vote of this House had sanctioned the remission of taxation, and numerous petitions had called for the remission in this specific way. The right hon. Gentleman has remitted 3,000,000*l*. of taxation according to his own statement. Since the votes of the House on the advertisement duty, he has brought forward his Budget, in which he proposes to remit 3,000,000*l*. of taxation; and yet he says he has not the means to remit a tax of 80,000*l*. a year, which the vote of this House said should be abolished. Another thing I must call attention to is, that he has mixed this matter up with the question of supplements, which is totally distinct from the question of advertisements. The right hon. Gentleman says that it is necessary to repeal the supplement tax, in order to give full effect to his plan of a reduced advertisement duty. But that is his plan; it is not our plan. Again, he is mystifying the matter. He retains the sixpence, and then says it is necessary to take off the supplement duty, otherwise there will be no means of expanding the space of newspapers, and therefore we shall be defeated in the amount of revenue by the want of space. But abolish the advertisement duty, instead of reducing it to 6*d*., and no such argument applies, because, whether he keeps on the supplement tax or whether he repeals it, it will have no fiscal consequence whatever with regard to this question. I beg to remind the right hon. Gentleman again, that he has created this difficulty. Who requested him to create the difficulty? Who petitioned him to repeal the supplement tax? Were there any petitions presented to this House on that particular subject?

The CHANCELLOR OF THE EXCHEQUER: The supplement duty is 30,000*l*. a year.

MR. COBDEN: Just so, and I will give the right hon. Gentleman credit for the difference between 30,000*l.* and 80,000*l.*, but it only increases the difficulty he has created. The right hon. Gentleman introduced a great variety of other subjects into this debate. He talked of other taxes being equally as onerous as the advertisement tax. I join issue upon that with the right hon. Gentleman, and I undertake to prove to the satisfaction of the right hon. Gentleman himself that the Committee did right to make this exception to other indirect taxes, by totally abolishing it. He has adduced examples to show that all rated taxes, as he calls them, must be unjust in their incidence, because all rated taxes fall equally on articles of different value. But in all indirect taxes you try to mitigate that inequality by levying a different rate of duty upon a different class of articles—as in the case of tobacco and cigars, and in that of spirits, where you select certain proof of spirits for the unit of taxation; and the right hon. Gentleman does not pretend to say you do not try to mitigate inequality by levying a different rate on different quantities. The paper duty is a very indefensible duty; but you do not lay the same duty on a sheet of paper and a quire of paper. I care not where you go; in all cases you seek to mitigate unfair pressure by making distinctions between the qualities which you tax, and in all things except one, in the quantity which you tax. But when you come to the advertisement duty, you depart from the principle altogether, and levy the same tax on every advertisement, of whatever value they may be. Every one knows, if I go to insert an advertisement in a newspaper having a circulation of 30,000 a day, I have to pay 10*s.* for the advertisement; but if I go to a paper of small circulation, they are glad to insert it for half-a crown. Yet in both cases the right hon. Gentleman proposes to impose a tax of 6*d.* In both cases the tax is the same, though the value of the article is 10*s.* in the one case, and in the other only 2*s.* 6*d.* I have put this in a very fair spirit. I might have taken a stronger case still. Then, as to quantity, if I insert an advertisement covering a whole page, for which the charge is 100*l.*, it pays 6*d.* But if a housemaid wanting a place inserts an advertisement of only two lines, it pays 6*d.* So I maintain there is no tax, whatever you can adduce, so unfair in its incidence as this tax on advertisements. I say it is something more than the right hon. Gentleman stated—a tax on labour and industry; it is a tax on the intercommunication of wants and wishes, which, in a commercial community, strikes at the foundation of all transactions. What would be said if it were sought to lay a tax on every bargain made, or attempted to be made, on the Exchange, between merchants who meet there at four o'clock, if the asking the rate of exchange between London and Hamburg were to render the broker seeking the information liable to a tax? Yet that is what you do under the advertisement duty. A man advertises an article for sale, but does not sell it; he makes known his wants, he offers to sell, and you tax him for it. That, in a commercial country, where the revenue is benefited at every step in business transactions, is suicidal in character, and strikes at the root of all commercial progress. The right hon. Gentleman, in illustration of his argument, had talked of bills of exchange, and fire insurances; but do not bills of exchange and fire insurances pay according to amount?—and the only argument he attempted was the most unfortunate he could use. The right hon. Gentleman also said, "Look at the penny stamp for letters—do you not charge a penny for 50 or 500 miles?" Yes, that is true; you charge a penny if under half an ounce, but you charge 2*d.* if an ounce, increasing the charge a penny for every half ounce whatever the weight may be. I do not look upon this wholly as a commercial or fiscal matter. I take leave to say, though the right hon. Gentleman denies that the question of advertisements is a question affecting what is termed taxes on knowledge, that it is a question of a tax upon knowledge; because if you want to have newspapers at all in this country, they can only be supported by funds furnished by advertisements; if you think it desirable to have competition in newspapers as well as other things, then it is desirable no obstacle should be offered to the success of the smaller, or what the right hon. Gentleman calls struggling, newspapers. The effect of this tax is to prevent competition in newspapers. We all know, that, whether in the paper trade, in the spirit trade, in the tobacco trade, or any other trade, when fixed rates of duty are levied upon the article produced, the parties engaged in the production of those articles always become few in number, and there is a tendency to create a monopoly in the hands of great capitalists. I say every argument used for emancipating trade in corn ought to be applied to all taxes on newspapers;

and I must say I have seen with surprise, and something like disgust, many newspapers which were for many years advocating free trade in corn, and denouncing the landowners as a set of monopolists, now struggling by every direct and indirect means to keep up a monopoly in their own hands, to prevent others entering the field against them, by retaining as much as they can of these taxes on knowledge. And it is from this source that the right hon. Gentleman has got the suggestion to keep on part of the duty. You will not find any paper of small circulation, and very few papers in the provinces, advocating this sixpenny duty. The only papers who do so are those who have acquired a certain position; and their interest of course is to prevent competition as much as possible. Again, the bookselling trade has petitioned more strongly than any other for the repeal of the advertisement duty—and why? Because when books are advertised, they are generally short and small advertisements; because the book trade depends probably more than any other on the publicity given in advertisements to new publications; and, therefore, it is felt that the greatest obstacle to the book trade is the tax on advertisements. But it is not merely in the book trade that I find the advertisement duty recognised as a tax on knowledge. I would call the attention of the noble Lord the Member for the City of London (Lord John Russell) to the fact that all the educational societies in the country have petitioned for the removal of the advertisement duty. I hold in my hand a memorial representing 270 mechanics' and other institutions, signed by 100 delegates, and under the auspices of the Society of Arts—so it is no party or political movement—and this body unanimously resolve to petition in favour of the removal of the advertisement duty; and I myself have presented numbers of petitions from similar establishments in Lancashire and Yorkshire in favour of a removal of the duty. Members of athenæums and mechanics' institutions contend that the advertisement duty is an obstacle to the diffusion of knowledge, as it prevents the giving of publicity to the proceedings of literary bodies; and I do call on the noble Lord, who has professed, and I believe with great sincerity, a desire to promote the education of the people—I call on him, now that he finds how difficult it is by Government efforts to promote education in the country—if he is consistent in this matter, I call on him, at all events, to aid those who wish to remove every obstacle in the way of those voluntary efforts for education which are now being made throughout the country, and which I consider to be the peculiar glory and honour of our age. I hope, on all these grounds, the Committee will adhere to the Resolution to which they have come. It is not a vote which involves direct or indirect taxation. It is not a question mixed up with any other question, and any attempt to travel into other fields only argues that this tax is indefensible, and that the only way to avoid letting the Committee see that it is so is by mystifying and bringing in other questions quite irrelevant to the matter.

MR. SPOONER said, he voted against the Motion of the right hon. Member for Manchester (Mr. M. Gibson) on the 14th of April, and he meant to vote for the proposition of the Chancellor of the Exchequer, merely to defeat the Amendment now; and when that proposition came before the Committee as an original question, he should vote against that too, in order that the duty on advertisements might remain at its present rate. He thought the advertisement tax was neither unjust nor oppressive, and that the country in general did not cry out against it. He objected to the Amendment on another ground, which had been ably stated by the Chancellor of the Exchequer—that it would involve the increase of direct taxation; and he wished that the right hon. Gentleman had taken the same view years ago. The balance of direct and indirect taxation would then, perhaps, not have been so completely altered, and the danger now dreaded would not have been so imminent. That most odious tax, the succession tax, was the consequence of the very great advancement made in the remission of indirect taxes; and he was quite sure every step in the same direction would increase the difficulty and danger which the right hon. Gentleman apprehended.

MR. JAMES MACGREGOR said, the right hon. Chancellor of the Exchequer alleged, as a reason why the income tax should be charged equally on the profits of trade and realised property, that it was unjust to charge a higher sum upon the poor annuitant widow than upon the professional man; and he put it to the right hon. Gentleman that the advertisement duty pressed peculiarly on persons in distress, who wanted to obtain employment, or dispose of goods at the best price. He should vote with the right hon. Member for Manchester, trusting that the Chancellor of the Exchequer's estimate of the large sums from the new system of taxation would enable him to lose this 80,000*l.* a year.

Question put, "That the words 'in lieu of the duties now payable on advertisements' stand part of the proposed Resolution."

The Committee *divided*:—Ayes 109; Noes 99: Majority 10.

MR. CRAUFURD said, that it was highly expedient that, as duties were to be imposed on advertisements in newspapers, those advertisements should be protected from the cheap competition of advertising vans, omnibus advertisements, and facilities of that nature.

MR. HUME said, he was very sorry the Government had not found it in their power to take off this tax, which was one of the greatest impediments to free trade that now existed. He held in his hand an American paper which was sold for a cent, and contained a thousand advertisements, making known all the wants of the community; and a similar paper was published in every town of the United States. The new system which would arise from the removal of the advertisement duty would be one of the greatest boons which could be conferred. What his hon. Friend the Member for the West Riding (Mr. Cobden) had said with regard to the voluntary efforts for the promotion of education being checked by this impost, was most convincing, and, after so close a division, he trusted the present Administration would not proceed in legislating so contrary to the principles which they professed.

MR. MILNER GIBSON said, the right hon. Gentleman the Chancellor of the Exchequer had not answered his question, how the advertisement duty on pamphlets and books was to be collected? It was a simple question, and he should imagine the Chancellor of the Exchequer could tell him when the duty on advertisements in books was to be charged, to whom it was to be paid, and where it was to be paid?

The CHANCELLOR OF THE EXCHEQUER said, he thought the simple question of the right hon. Gentleman had received as simple an answer, because he had said, on a former occasion, it was not his intention to levy any duty on advertisements not at present charged. The liability continued exactly as it was, except as to the amount. The machinery was the same, and the persons to whom the duty would be payable would be the same. If the right hon. Gentleman meant to suggest that he had better alter the language by which the duty was levied, he could only say he had adopted the language as he found it in the existing law. With respect to advertisements not inserted in newspapers, a most important mode of advertising, not subject to the tax, would shortly be in the hands of his right hon. Friend the Secretary of State—he meant the advertising vans, and they would certainly expire amidst a universal jubilee. Another class of advertisements, what the French called *hommes-affiches*—the animal sandwiches, as we called them here—living placards that walked up and down the streets—were more difficult to deal with; and as to advertisements in railways, he did not think they need much begrudge the companies that casual advantage. To revert to the point put by the right hon. Gentleman, perhaps he might amend the Resolution verbally, and let it read, "for or in respect of every advertisement contained in or published with any gazette or other newspaper, or any other periodical paper or literary work." He did not know whether that would be an improvement, and perhaps it would be better to take time to consider it, and make the alteration in Committee on the Bill.

MR. MILNER GIBSON said, he still wished to have more explicit information on this subject. He had that day presented a petition from the booksellers, who were in a state of great alarm as to the wording of the Resolution, and, therefore, he hoped that the Resolution would state explicitly what were the intentions of its framers. He had received a letter from a bookseller in Dublin, complaining that the Comptroller of Stamps had served him with notice to send in a copy of every sewed book or pamphlet, in order that the advertisements therein might be charged. The fact was, that the law was in a state of confusion on this subject. The law already applied to advertisements in books, but the booksellers found it so obnoxious, that they got a Bill repealing all the clauses which enabled the Government to collect the books, so that the tax was in reality a dead letter. Were it otherwise it would be a great hardship, as a bookseller might be compelled to send in a guinea book for the sake of an advertisement upon which the duty was sixpence. He hoped, therefore, that now there would be no confusion, but that the intention of the law would be stated clearly, and especially in the Resolution. He hoped, also, that the right hon. Gentleman would define what advertisements really were, as there was a growing feeling that a great inequality prevailed in the assessment. It was believed that there was an arbitrary selection of the announcements to be subjected to duty, and that much of the funds intended for charitable purposes were exhausted in advertisement tax. To make the wording of the Resolution clear as to an omission which already took place in practice, and to avoid all cause of future litigation, he should move the omission of the words "pamphlet or literary work," thus limiting the operation of the Resolution to "any gazette or other newspaper, or any other periodical paper."

Amendment proposed, to leave out the words "or in or with any pamphlet or literary work."

Question proposed, "That those words stand part of the proposed Resolution."

MR. NEWDEGATE said, it appeared to him, that, as it was intended to adhere strictly to the present construction of the law, they would not improve the intelligibility of the law by altering the terms of the Resolution. He felt most strongly that indirect taxation was the kind of taxation which the people most willingly paid; he wished on that account to relieve the Chancellor of the Exchequer even from the inconvenience of a reduction of this tax; and he should, therefore, move that the old duty be retained. As regarded the supplements, and the Chancellor of the Exchequer's proposition with regard to them, it seemed to be a premium to powerful, established newspapers, and a detriment to those which had not yet attained such a position; and as the change with regard to them seemed to arise out of the change with regard to the advertisement duty, he should endeavour to obviate its necessity by an attempt to remove its cause. He proposed, on these grounds, to keep the existing duty as it was.

MR, HUME said, he wished to know whether the right hon. Gentleman meant to enforce that law which had not yet been enforced?

The CHANCELLOR OF THE EXCHEQUER said, with respect to the letter mentioned by the right hon. Member for Manchester (Mr. M. Gibson), the gentleman who had written it was in error, as it was intended to confine the tax to periodical works. Either the writer was in error, or the Excise. As to the effect of the alteration of the law, there could be no doubt about the matter. The whole question turned upon the fact of a publication being periodical or not. If all literary works were to be kept out, the effect would be to exclude all periodical works. Those works largely advertised, and they would escape altogether, which would not be fair. He was willing to adopt any language that would define the established law more clearly; but he could not consent to adopt alterations that would not effect their object, and only lead to confusion.

MR. BRIGHT said, that the Resolution as it stood was manifestly absurd, because it proposed a tax for which there was no legal mode of collection. He would suggest the postponement of the clause. The whole proposition was untenable, seeing that the Committee had already by a much larger majority than the present, decided for the abolition of the tax. The right hon. Gentleman the Chancellor of the Exchequer knew that three-fourths of those who had voted with him, entirely disagreed with him in opinion, and that but for the forty members connected with the Government, who would vote for 1*s*. 6*d*. or 6*d*., or, in short, anything they were asked, he would on the present occasion have been left in a minority. There could not be upon that side of the House two opinions with regard to the absurdity of retaining this tax. He believed that the right hon. Gentleman was far too acute to imagine that the revenue would suffer to anything like the extent that he had stated if the tax were abolished. For instance, here was a case which had been supplied to him:—A gentleman advertised for a clerk. There were 271 answers to that advertisement received through the post alone, and of course each of those paid the penny postage stamp. Why, if the advertisement duty were wholly repealed, there would be an enormous gain from the Post-office alone. He appealed to the Committee whether the course which the right hon. Gentleman was pursuing on this whole question was not diametrically in the teeth of everything which a Minister at this day ought to do. The law said that all advertisements should be taxed. The right hon. Gentleman proposed to enforce it only so far as they appeared in periodical papers; and in ninety-nine cases out of one hundred the tax would be found to press upon newspapers. With regard to the newspaper stamp, precisely the same course was taken. The stamp applied to all papers containing news, advertisements, occurrences, or intelligence, with observations or remarks thereon. Yet, that Stamp Act was allowed so to work that it fell almost exclusively upon political newspapers; for if a paper devoted itself to horse-races, or to architectural purposes, or to purely literary objects, like the *Athenæum*, the right hon. Gentleman imposed no stamp at all. The fact was, that, literally and virtually, Mr. Timms and his confederates at Somerset House were elevated into censors of the press, and worked it so as only to influence political newspapers. It was scandalous that, at this time of day, such a state of things should be allowed to exist; and it was discreditable to a Government that professed to be very much in favour of education, and who had said that, while their liberalism was to be conservative, at least their conservatism should be liberal. He held in his hand a newspaper which was the same size as the London daily newspapers without a supplement, and it was as good a newspaper, he undertook to say, as any published in London. It was printed with a finer type than any London daily paper. The paper, the material, was exceedingly good—quite sufficient for all the purposes of a newspaper. The printing could not be possibly surpassed, and it contained more matter for its size than any daily paper printed in London. The first, second, and third sides were composed of advertisements. There were, a long article upon the American Art Union investigation, a leading article giving a summary of all the latest news of Europe, a leading article on the fisheries dispute, and a leading article, with which he entirely concurred, stating that public dinners were public nuisances. He had seen articles perhaps written with more style, but never any that had a better tone, or that were more likely to be useful. Then again, there were, "Three days later from Europe," "The arrival of the *Asia*," and a condensation of all the news from Europe. From Great Britain there was an elaborate disquisition upon the Budget of the right hon. Gentleman, which did him justice in some parts, but not in others, and which, so far as the Manchester school were concerned, certainly did them no justice whatever. Then, there were an account of Mrs. Beecher Stowe's visit to Edinburgh, a long article from the London *Times* upon the wrongs of dressmakers, articles from Greece, Spain, and other continental countries, the Athlone Election, and the return of Her Majesty's Solicitor General by exactly 189 votes—which would very much surprise an American to read—several columns of ordinary news and paragraphs, and most elaborate mercantile and market tables. It wrote steadily in favour of temperance and of anti-slavery, and he ventured to say that there was not at this moment a better paper in London than that. The name of that paper was the *New York Tribune*, and it was laid regularly every morning upon the table of every working man in that city who chose to buy it for the small charge of one penny. What he wanted to ask the Government was this:—How came it, and for what good end, and by what contrivance of fiscal oppression was it, that one of our workmen here should have to pay 5*d.* for a London morning paper, while his direct competitor in New York could buy a paper for 1*d.*? We were running a race in the face of all the world with the United States. Were not the Collins and Cunard lines of steamers calculating their voyages to within fifteen minutes of time? But if our artisans were to be bound either to have no newspapers at all, or to pay 5*d.* for it, or were to be driven to the public-house to read it, because they could not have it cheaply and innocently at their own houses, while the artisan in the United States could procure it for 1*d.*, how was it possible that any fair rivalry could be maintained between the artisans of the two countries? As well say that a merchant in England, if he never saw a price-current, could carry on his business with the same facility as the merchant who had that advantage every day. He would ask the Chancellor of the Exchequer, who was a great friend of the liberation of industry, and who had some ambition, he believed, to follow in the steps of his former leader, was there ever industry so taxed as that which was represented in an English newspaper? The actual paper for a newspaper of the ordinary size cost 1*d.* The tax was, at least, $\frac{1}{4}$*d.*; and, if they took into consideration the annoyance to the paper manufacturer, by reason of the Excise, they would find that out of the whole 1*d.* at least $\frac{3}{8}$*d.* was tax. The paper would, therefore, cost $\frac{5}{8}$*d.* if there were no duty. With the duty it cost 1*d.* Then, it could not be damped for the press until it was sent to Somerset House, or a branch office, where it received a red stamp of a most ominous character, for which it had to pay another 1*d*., or 100 per cent upon the original cost of the paper and the paper duty, and about 140 per cent upon the original cost of the paper without the duty. That was not all. The paper slipped through the press, and came out with a number of advertisements, of two lines or upwards, from servant-girls wanting situations, or what not. Every one of those must pay to the Chancellor of the Exchequer at present 1*s*. 6*d*.; and after this "great" measure, which was before the Committee, should be passed, it would have to pay 6*d*. More than that. If a man wished to start a paper, he must swear himself worth 100*l*. after all his debts were paid. He knew a literary gentleman who was not worth 100*l*., and therefore did not like to take the oath; but the officials told him it was merely a form. If it was merely a form, why not abolish it? But here was an accumulation of obstructions. First of all, a man must give security, then he would have to pay duty on his paper, afterwards he must get it stamped, and finally would have to pay the advertisement duty; and even besides that, he must find security to the extent of 1,800*l*. or 1,600*l*., according as the paper was published in London or beyond a certain circuit, that he would pay the newspaper stamp duty, that he would pay the advertisement duty, and that he would not be guilty of publishing any libel, or sedition, or blasphemy, in his paper. Now, he asked the hon. Member for North Warwickshire—the senior Member for North Warwickshire (Mr. Spooner)—for he hoped the day might come when he might be amenable to reason—he asked the hon. Gentleman whether there was anything in this country that was taxed to so scandalous an amount, as a mere matter of industry? He ventured to say that there was nothing like it in the whole world. But there was another view besides that of the mere question of industry. The newspaper was the very life and soul of the intelligence of the country. We could not enter the cottages and permeate the minds of the great bulk of the labouring class of the country unless we gave them a newspaper with something interesting to read in it. We might circulate pestilent publications, such as the *Newgate Calendar* and *Jack Sheppard*, and all sorts of horrors, which might most perniciously stimulate the appetite to read, but would at the same time stimulate it to all kinds of depravity and crime; but give them a newspaper, in which all the little details of their neighbourhood could be brought before them, mixed with matters of a more extended character, and the poor boy, when he left his school with his knowledge of reading most imperfect, would cultivate the taste, because his interest would be aroused and excited, and the most beneficial results would assuredly flow from it. He did not believe that there was a man in that House so impervious to reason, so absolutely stupid, as to say that he had not made out a case for the total abolition of all taxes upon the press. If the Chancellor of the Exchequer should oppose what he had stated, he should tell him at once, and without hesitation, that it was because he had a latent dread of the liberty of the press; and when the right hon. Gentleman spoke about fiscal difficulties, he said it was but a cloak to conceal his lurking horror lest the people should have a free press, and greater means of political information. It was the fear that the press should be free which made them keep the sixpenny advertisement duty as the buttress to the stamp. They kept the stamp, because they feared that what passed in that House and all political information should become free and cheap to the people; and, not wishing to avow that, and perhaps not wholly sensible themselves that they had that fear, they used the argument of fiscal difficulties in order to maintain a system which was perhaps the most disgraceful which in the year 1853 remained upon the Statute-book of this country. The county from which he came was densely populated—containing a population of about 2,000,000—consisting almost, in point of fact, of a congress of towns, of which Manchester was the centre. Questions were constantly arising there between capital and labour upon the subject of wages. It contained a population which might become the glory, or might prove greatly dangerous to the peace, of the country, and to the prosperity of its industry; and when it was considered how much the offence of intoxication was there common, how much men spent their earnings recklessly, and arrived ultimately at the workhouse, and how much our prisons were filled by the consequences of that recklessness, he asked, was it possible to submit a case to the House of Commons which so much called for sympathy and for speedy redress? When he rose, he had intended to say but a very few words; but he had been impelled to say what he had by the speech of the right hon. Gentleman, which had appeared to him to be so full of special pleading, so unworthy of his character, so unworthy of his ability, and so unworthy of his position as Chancellor of the Exchequer, and as one of the leading members of a Government which boasted that it had within it powers almost greater than all former Administrations. He had been disappointed by the right hon. Gentleman's speech to a degree that he was not able to express. He trusted that when the Report should be brought up, his right hon. Friend (Mr. M. Gibson) would again ask the House to abolish this duty. For himself, there was nothing that he would not do in the shape of opposition to these taxes, and to this 6*d.* which the forms of the House allowed, or which was fair as between a private Member and the Government. He thought the right hon. Gentleman was not using his friends well in pertinaciously adhering to this 6*d.* in defiance of arguments which even the great subtlety and acuteness which he possessed were unable to destroy.

Sir JOHN SHELLEY said, that as the hon. Member for Manchester had made an appeal in favour of the large towns, he thought it right to say a word in favour of the agricultural districts. He put it to the country gentlemen in that House, and to the Members of the Government, several of whom were country gentlemen, if it was not the fact that in the agricultural districts, even more, perhaps, than in towns, the spread of knowledge was of the greatest consequence? In most agricultural districts there were one or two newspapers published; but, in general, they were not seen by the farmers or labourers unless they went on a Saturday night to a public-house for the purpose. And was it not perfectly true that if the agriculturists did not read the newspapers, it was impossible they could know what prices to ask for the produce of their land? He must confess that he had been grievously disappointed at the course which had been pursued by the Chancellor of the Exchequer on this occasion. He was anxious to support the Government in all cases where it was possible; but he must say that on the present occasion they had done enough to shake the confidence of all those who looked to the real interests of the people.

Mr. NEWDEGATE said, he thought that the argument of the hon. Member for Manchester (Mr. Bright) defeated itself. He had complained that the stamp duty interfered with the spread of knowledge among the people; and yet he had explained clear enough to the Committee that the tax did not apply to any information except that of a political character. [Mr. Bright: Chiefly.] Well, chiefly of a political character. It was perhaps natural that the hon. Member should not like to see his speeches taxed; because he no doubt thought that they conveyed a valuable fund of political information; but he must admit, and indeed he had admitted, that the tax did not interfere with other kinds of information which he also thought was valuable. He regretted that the Chancellor of the Exchequer had seen it to be his duty to yield in any degree to the demands on this subject. He had received no credit and no thanks for it.

Amendment, by leave, *withdrawn.*

Proposed Resolution amended by leaving out the words "in or with any pamphlet or," and inserting the word "periodical" instead thereof.

Mr. CRAUFURD said, he could not allow this Resolution to pass without protesting against it. In the month of April last he voted in the same lobby with the Government against the Resolutions of the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), not because he did not agree with them, but because he believed that the matter was then under the consideration of the Government, and that a vote of the House at that moment would only embarrass the Chancellor of the Exchequer; but, having since found that, notwithstanding the large majority obtained by the right hon. Gentleman the Member for Manchester on the occasion to which he had referred, the right hon. Gentleman the Chancellor of the Exchequer had taken no steps to carry out the object, he (Mr. Craufurd) had that night supported the views which he had always held, and voted with the minority in favour of the Amendment of the right hon. Gentleman the Member for Manchester. He regretted that the result of that division had been to stultify the previous vote of the whole House. If the forms of the House would allow him, he would move to substitute for the word "sixpence" the cipher 0.

Mr. HUME said, that no answer had been offered by the Government to the arguments of his hon. Friend the Member for Manchester (Mr. Bright). From the manner of the noble Lord (Lord John Russell), when the deputation on the subject of the taxes on newspapers waited upon him last year, they were led to believe that an end would be put this Session to the agitation on this question by the remission of the duty altogether; but he was sorry to say they were disappointed. He could confirm the statement made by his hon. Friend (Mr. Bright), as to the great advantage working men would derive from being kept informed by means of cheap newspapers upon all matters affecting their interests. But for the tax, he was informed that newspapers might be published at as low a price as a halfpenny, and every cottage in the kingdom might thus have its daily paper. There was no means of conveying information to the grown-up man equal to the newspaper, and it ought to be made so cheap that every man could have it in his own dwelling, without having to resort to the public-house to read it.

The CHANCELLOR of the EXCHEQUER said, he only wished to say, lest his silence after the speech of the hon. Member for Manchester should be misunderstood, that the reason for that silence was simply this—that, without denying the importance of the matter which had been urged by that hon. Member, or the effective manner in which it had been set out, he felt it was a matter which, strictly speaking, was not before the Committee. The question which was raised by the hon. Member was, the general question of a cheap press, which had a very slight connexion with the advertisement duty, in his (the Chancellor of the Exchequer's) opinion, though it had a very important connexion with the question of the stamp duty. He could not agree with the hon. Member in thinking that that was by any means so simple a question as he seemed to suppose. It appeared to him to involve a variety of considerations, to which the hon. Member had not even alluded. The fiscal aspect of the question was not, in his opinion, the only, nor even the most important point to be considered; and it was obvious that the question could not be disposed of without deliberate consideration. It certainly could not be disposed of in considering the question whether there should be a sixpenny advertisement duty or not.

Mr. HUME said, he would appeal to the noble Lord the Member for London, who admitted to the deputation who waited upon him last Session, that the fiscal object of the tax was its only object, and that if that were dispensed with, he was ready to give up all other considerations.

Mr. LAING said, that, as a warm admirer of the right hon. Gentleman (the Chancellor of the Exchequer), and as one who had hitherto supported him in almost every division, he strongly appealed to the right hon. Gentleman to reconsider this question of the advertisement duty. If the sum involved had been a large one, and if its withdrawal were to have the effect of subverting his financial scheme as a whole, he (Mr. Laing) should have been disposed to waive his individual opinion on the point; but when the sum was so small as that the right hon. Gentleman himself had been obliged to admit that, in a fiscal point of view, it was not of vital importance, he did trust the right hon. Gentleman would yield to the wishes which had been expressed by some of his warmest supporters, and take the subject into his earliest consideration. His (Mr. Laing's) acquaintance with the working classes had led him to feel that there was no object of more importance—he did not mean in a fiscal, but in a far higher view—he meant with regard to the education of the working classes—than that they should have cheap newspapers. The hon. Member for North Warwickshire (Mr. Newdegate) had argued that because it was only political information that was taxed, there was therefore no hardship in the case; but if the hon. Member had been in his place at that moment he should have asked him whether he himself would be content to take the *Athenæum* as a substitute for the *Times?* The fact was, that there must be a certain amount of politics mixed up with other information, in order to induce the working classes to read it. He must repeat his belief that the Legislature could not confer a greater moral benefit on those classes than by giving them cheap newspapers; and it was evident that the advertisement duty lay at the root of the question, because, if cheap newspapers were to be supported at all, they could only be supported out of the revenue derived from advertisements. He hoped, therefore, that the right hon. Gentteman, who had done so much by his financial scheme to improve the condition of the working classes, would not leave this blemish on his great work.

Mr. W. WILLIAMS said, he had been most anxious from the commencement of the discussion on this subject, to give his decided support to the financial scheme of the Chancellor of the Exchequer, and, though he had been pressed by his constituents to oppose various portions of the Budget, he had always declined to do so, lest he should injure the scheme as a whole; but, with regard to the advertisement duty, the amount involved was so small that he did not think it would in the slightest degree affect the general result. He hoped, therefore, that the right hon. Gentleman, in deference to the universal opinion which had been expressed on that (the Ministerial) side of the House by his most constant supporters, would give way upon this point.

Mr. MALINS said, he would also recommend the abandonment of the tax altogether. It was a most inconvenient tax, and operated as a great impediment to trade, and what was to be retained would produce, according to the right hon. Gentleman's own estimate, a very trifling sum (80,000*l.*) to the revenue.

The CHANCELLOR of the EXCHEQUER: I beg pardon, I said 80,000*l.* in the first place, with a rapid and constant increase.

Mr. MALINS: Admitting it to be 80,000*l.*, it was a trifle as compared with the impediment the tax would interpose to the spread of cheap newspapers. But with regard to the amount, taking into account the loss upon the supplements, which was not asked for, and therefore need not be touched, it would not be more than 50,000*l.*, and was it worth while for that to run counter to the feeling of that House, as expressed by a decided majority on the former occasion, and now all but by a majority, for the right hon. Gentleman had only escaped by ten votes? It appeared to him that when that House declared that a tax should be repealed, the Chancellor of the Exchequer ought to take the subject into consideration when he framed his Budget; but according to the argument of the right hon. Gentleman, when speaking of the attorneys' certificate duty, it would seem that he prided himself rather upon resisting the opinion of the House, than in endeavouring to conform to it. He knew the value of a newspaper on his breakfast table; and if the repeal of this remnant of the advertisement duty would so lower the price of newspapers, that hundreds and thousands of the people might have their twopenny or threepenny newspaper every day, he thought that was the strongest possible argument in favour of the remission. And if the inhabitants of New York could have a newspaper for a penny, there seemed no reason whatever why the people of London should not have one also, or at least for twopence. He must say he thought the Chancellor of the Exchequer was standing in his own light in persisting, for the sake of 50,000*l.* a year, in a measure which, to a certain extent, must interfere with the trade and prosperity, and consequently interfere with the revenue of the country.

Mr. COBDEN said, the right hon. Gentleman the Chancellor of the Exchequer had stated that the advertisement duty was not a question of such great importance as regarded the circulation of cheap newspapers as the stamp duty. He would, however, call his attention to the evidence given by Mr. Horace Greely, who was examined before the Committee which had sat on this subject in 1851. This gentleman was one of the Commissioners of the Great Exhibition, and he was the proprietor of that very newspaper from which his hon. Friend (Mr. Bright) had quoted that evening. Mr. Greely was examined as to what the effect of the advertisement duty would be in America; and his reply was that its operation would be to destroy their new papers by depriving them of that source of profit to which in the first instance they chiefly looked. The value of an advertisement was in proportion to the circulation of the newspaper in which it appeared, and those people who advertised in the *Sun*, which had the largest circulation in New York, could afford to pay the price of the duty, and the charge for insertion; but in the papers which were but just started, and had a limited circulation, an advertisement would not be worth the price of the duty, and from those papers advertisements would therefore be utterly withheld. That was the evidence of Mr. Greely. In this country the duty had had the effect of preventing the existence of newspapers; and he must say, that unless this view of the question was met, the House had no other alternative than to conclude that the object of the Chancellor of the Exchequer was to prevent the increase of newspapers. The right hon. Gentleman laboured under the disadvantage of having to come down here to propose a scheme in opposition to the vote of this House, and to the feelings of his political friends; and then he adhered pedantically to his sixpence, without using one argument to support his proposition. This was very much like snapping his fingers in the face of his friends, and saying, "I don't care sixpence for you."

Mr. WARNER hoped the Chancellor of the Exchequer would yield to the enormous preponderance of argument against this sixpence. Not a single reason had yet been given in support of it. Something had been said about the proceedings at Chobham. Perhaps hon. Members in this House might not be the best qualified judges on this point, and he was well content to leave it to the discretion of Her Majesty's Government; but he must say, that if the state of the Exchequer was the only obstacle to the total repeal of the advertisement duty, the money might be saved with great advantage out of the cost of the new education scheme which had been shadowed out by the noble Lord the leader of the House. Cheap newspapers would do far more for the education of the people of England, than any Government system could effect. Systems of public education might do very well for France, or for Prussia; but in this country the spirit of the people, and their habits of energy and independent thought, were opposed to them, and they never could succeed. He trusted that this paltry tax, this miserable sixpence, would not be suffered to disgrace the Statute-book.

LORD JOHN RUSSELL said, he wished to call the attention of the Committee to the state of the question as it now stood. The House was very full at the period when his right hon. Friend the Chancellor of the Exchequer proposed, in conformity with his statement in bringing forward his Budget, to reduce the advertisement duty by two-thirds. The House, unfortunately, was far from crowded at the present hour. The duty on advertisements was a very considerable duty, a very heavy duty, and, no doubt, it was an impediment to trade, and an obstruction to the supply of those wants and that information which the people would desire to have. The proposition of his right hon. Friend was, as he had stated, in conformity with his general statement, for the reduction of two-thirds of the existing duty; and the Government had certainly not thought that that proposition would have been considered so unsatisfactory, and would have brought down upon them so much reproach as it had done. His right hon. Friend the Member for Manchester (Mr. M. Gibson) proposed to abolish the whole of the duty. Now, that was a very fair question to bring before the Committee, as to whether or not one proposition or the other should be accepted. The Committee had decided, in a House containing more than 200 Members, in favour of the proposition of the Chancellor of the Exchequer. Since that time the House had quite thinned. Everybody had supposed that that question was decided—that, the alternative being proposed to the House, they had accepted the proposal for the reduction of the duty, and not that for its total abolition. He must say that in a greatly thinned House to attempt to reverse that decision was hardly fair or consistent, and looked like reversing the decision of a full House by that of a thin House. Then it was said that his right hon. Friend the Chancellor of the Exchequer had proceeded against the vote of the House of Commons at a former period of the Session. [MR. BRIGHT: In a much larger House than that of to-night.] No doubt. But the question really came to this, and it was a question of very considerable importance. One or two hon. Members seemed surprised that the Chancellor of the Exchequer, seeing the House had decided to abolish the advertisement duty, had made any other proposition to the House. The question then came to be this, whether the repeal or reduction of a tax was to be carried by separate votes of the House on the Motion of individual Members, or whether the Chancellor of the Exchequer was to be listened to, and his proposition either accepted or rejected. Now, undoubtedly, the House could take the former of these two courses; but then, as the right hon. Gentleman (Mr. M. Gibson) stated, the office of the Chancellor of the Exchequer could hardly be of much utility; but, however, the other course had been taken. His right hon. Friend the Chancellor of the Exchequer had laid before the House very fully his whole plan of finance for the year. He had laid down the propositions which he thought the House ought to adopt, and had stated the taxes which, in his opinion, they ought to continue, and those which they ought to repeal. The question now was, really, whether the propositions of his right hon. Friend, which had hitherto met with great favour—quite as much throughout the country at large as in that House—should be reversed—whether they should be accepted, or whether a great change should be made in them by the adoption of the proposal now submitted to the Committee. He submitted that the proposition before the Committee, not being one for the increase of the advertisement duty, but for a reduction of two-thirds of that duty, ought to be accepted. He would not now enter into the general questions raised as to the advertisement or the stamp duty upon newspapers, which were not before the Committee. He had no doubt, as the hon. Gentleman (Mr. Warner) had just stated, that the preponderance of argument was in favour of the abolition of the tax. In his official capacity, however, he had been accustomed to receive many deputations, and when the thirty or forty Gentlemen of whom they were generally composed waited upon him, their arguments against every tax were quite overwhelming. There was not a single tax upon which there came deputations to him which was not always proved to be harsh and oppressive in its operation, and injurious to the country; and he never got up on such occasions and said, in return to those Gentlemen when they came to him with regard to malt, and soap, and paper, that the taxes upon those articles were useful and advantageous, but what he had stated was that the duties in question must be considered with regard to the general finances of the country. They had been so considered, and hitherto the country had thought well of the propositions of the Chancellor of the Exchequer. He hoped that on this occasion the Committee would decide in favour of the particular proposal under discussion, and that hon. Gentlemen would attempt to gain no advantage by the absence of those who had been ready to listen to any argument which might have been produced, but which had not been produced when they were in the House. He ought to have mentioned, and intended to have mentioned, that, with regard to the subject now before the Committee, the question, as placed by his right hon. Friend the Chancellor of the Exchequer, was for a reduction of the duty. If the Motion of the hon. Gentleman (Mr. Craufurd) were carried, and the duties upon advertisements were made *nil* in the Resolution, it would be necessary to bring in a Bill for the purpose of repealing those duties. Such a Bill would be opposed to the views of the Government; and if it were not carried, the result must be that the tax would remain where it was, at eighteen-pence, instead of being reduced to sixpence.

The CHANCELLOR OF THE EXCHEQUER said, a particular request had been made that what was done in this matter should be done upon full and clear notice. The right hon. Gentleman (Mr. M. Gibson) had given notice accordingly of a Motion which raised with distinctness the question whether the proposition of the Government should be accepted, or the advertisement duty should be totally repealed. That question was met by him; he did not in any way avoid it; and a vote of the House was taken upon it. The hon. Gentleman had given him no notice that the vote was to be taken twice, for, if so, he should have made it known, and have taken his measures accordingly. He believed the right hon. Gentleman was not aware that the question was to be raised again; but he certainly thought it would be but fair play to him (the Chancellor of the Exchequer) that the right hon. Gentleman should not take part in a proceeding for a second vote upon the same subject, on the same stage, and on the same night.

Motion made, and Question put, "That 'sixpence' stand part of the proposed Resolution."

The Committee *divided*:—Ayes 63; Noes 68: Majority 5.

Qustion, as amended, put—

"That from and after the 5th day of July 1853, in lieu of the Duties now payable on Advertisements, there shall be paid:— *s. d.*

"For or in respect of any Advertisement contained in or published with any Gazette or other Newspaper, or any other periodical paper, or periodical literary work. . . . . 0 0"

The Committee *divided*:—Ayes 70; Noes 61: Majority 9.

House resumed; Committee report progress.

The CHANCELLOR OF THE EXCHEQUER said, he proposed that all the Resolutions should be reported, except the last, on Monday.

MR. HUME begged to ask whether the course that had been taken was quite correct? The House had come to a division, the nature of which had better be read to the House, and he wished to ask the opinion of Mr. Speaker whether it was competent to the House to divide on that occasion? The Motion was, to negative the proposition to reduce the advertisement duty to 6*d*., which was carried. A Motion was afterwards made to put in a "nought," and a division took place, in which one party voted for "nought" and the other against it, and the "noughts" carried it. He did not know whether this was regular, but he feared the result was likely to turn the proceedings of the House into contempt.

MR. BOUVERIE said, that perhaps the House would allow him to state what the question really was. On the 3rd Resolution, which provided—

"That from and after the 5th day of July, 1853, in lieu of the duties now payable on advertisements, there shall be paid—For or in respect of any advertisement contained in or published with any gazette or other newspaper, or any other periodical paper, or in or with any pamphlet or literary work, 6*d.*"

An hon. Member moved that "6*d.*" be omitted from the proposition, and "nought" inserted. He (the Chairman) put that question, and a division was taken upon the question that 6*d.* stand part of the Resolution. This was negatived, and "6*d.*" struck out. He then put the Resolution with the figure of "nought" at the end of the clause, and that Resolution the Committee affirmed and ordered to be reported to the House.

MR. SPEAKER: There has been nothing informal in what has taken place. It was a perfectly proper question to propose a Motion whether "6*d.*" should stand part of the Resolution or not. The next decision was upon the question whether the House would agree to the Resolution without the "6*d.*" being inserted. It seems to me to be perfectly regular.

Resolutions were then ordered to be reported on *Monday* next.

SUCCESSION DUTY BILL.

Order for Committee read.

On the Motion of the CHANCELLOR of the EXCHEQUER the House resolved itself into Committee on this Bill.

On Clause 21, which provides rules for valuing lands, houses, &c.,

The CHANCELLOR OF THE EXCHEQUER said, that the right hon. Member opposite (Sir J. Trollope) had moved a proviso to the effect that the annual value of any timber growing or standing on the said lands shall not be included in the said estimate; the meaning of which he understood to be, that no tax should be laid on timber under the Succession Duty Bill.

SIR JOHN TROLLOPE said, that having seen the alteration proposed in the clause by the right hon. Gentleman, it was his intention to withdraw the proviso.

The CHANCELLOR OF THE EXCHEQUER said, he thought that an inconvenient course of proceeding. It was desirable to determine whether in some form a tax should be laid on timber.

SIR JOHN PAKINGTON said, the right hon. Gentleman seemed to have forgotten the circumstances under which the proviso was moved. When the Committee decided against the plan of the Government, his right hon. Friend (Sir J. Trollope) placed his proviso in the hands of the Chairman. That was done on the suggestion of a noble Lord and a right hon. Gentleman opposite. Progress was reported before any decision was come to. Since that time his right hon. Friend had been informed that his proviso was unnecessary, and he, therefore, had no disposition to press it. The right hon. Gentleman, probably smarting under a feeling of annoyance at having been left in a minority to-night, now opposed the withdrawal of the proposition, although the circumstances under which it was made had completely changed. If the right hon. Gentleman would not allow it to be withdrawn, he trusted his right hon. Friend would allow it to be negatived without a division.

The CHANCELLOR OF THE EXCHEQUER said, he could not commend the right hon. Gentleman for the tone and manner in which he had urged his recommendation, particularly if he wished it to be acceded to. The proviso had been moved as a mode of inviting the Committee to declare a negative on the principle of the taxation of timber in any form. Now, what did the right hon. Member mean by proposing the withdrawal of that proviso? If he did not mean to contest the principle that timber ought to be taxed, he had no objection to the withdrawal of the proviso.

SIR JOHN TROLLOPE said, the right hon. Gentleman had prepared a new clause, which would raise the whole question, and he was ready to meet him on that clause. He had acted in a spirit of the most perfect courtesy towards the right hon. Gentleman, and he regretted that he was not met in a similar spirit.

The CHANCELLOR OF THE EXCHEQUER said, he was willing to admit the perfect fairness and candour of the right hon. Gentleman, and he had no wish to press him to a vote.

Proviso *withdrawn.*

Clause *agreed to.*

Clause 22 (Provides rules for valuing Timber).

MR. HENLEY said, he begged to express a hope that at some stage of the proceedings the right hon. Gentleman would give the Committee some information as to the mode and manner in which the new tax was to be collected.

MR. ALCOCK said, he was glad to find that the Chancellor of the Exchequer had no intention of giving way on the subject of timber, which ought to pay its proportion of succession duty. He knew of one estate, valued at 40,000*l.*, the timber on which was worth 10,000*l.*; and some years ago the estate of Hafod, consisting of some 30,000 acres, was sold for about 70,000*l.*, one half of which arose entirely from timber. It would be most unreasonable to exempt timber from the duty.

The CHANCELLOR OF THE EXCHEQUER said, he was willing that the discussion on timber should be postponed, and that the clause should be postponed.

Clause *postponed.*

On Clause 23, which provides that duty shall be paid upon the proceeds of an advowson when sold,

MR. HENLEY said, he objected to this clause, on the ground that on any estate in which there was an advowson, a person would never know when his account with the Stamp Office was really closed. If a man were to sell an advowson two or three times over, he did not understand from the clause whether or not he should have to pay the tax two or three times over. An advowson might also increase in value after the succession, and then, when it was sold, it would have to pay a larger tax than it would have paid if rated at the time of succession.

The CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman appeared to think that the motive of this clause was to catch any possible increment to the value which might attach to Church property. Now, this was by no means the motive of the clause. It was not wished to look upon Church property as upon ordinary merchandise, and the Government had thought themselves justified in saying, that unless in the case of an absolute sale, the property should pay no tax at all. In adopting this course they had been guided by higher principles than those of mere finance. In framing this clause, the question he had to consider was, whether the tax upon advowsons should be levied in the manner proposed in the Bill, or whether the Church patronage belonging to a person should be valued at his death, and his successor be obliged to pay duty upon it. His opinion was, that the first mode was the more lenient of the two, and, therefore, he had adopted the extremely indulgent course of saying to the owners of advowsons that, except in the event of absolute sale, there should be no tax laid upon them. Surely the right hon. Gentleman opposite did not mean to say that this kind of property should be liable to pay duty upon the occasion of every succession.

MR. G. BUTT said, he considered the clause to be very plain in its meaning. As he understood its operation, it was, that if a presentation was sold for 1,000*l.*, it should pay a tax upon 1,000*l.* He saw no objection to leaving the clause as it now stood.

LORD HARRY VANE said, he thought it would be extremely unjust to lay a tax upon advowsons not sold. He apprehended, however, that there were some practical difficulties connected with the clause which would prevent its successful working.

MR. MALINS said, he considered that there was a question worthy of consideration, and that was, whether it was worth while to tax advowsons at all. Many persons succeeded to estates including advowsons without the slightest intention of ever selling them; but circumstances might arise twenty years afterwards which would compel them to act otherwise, and then they would for the first time become liable to succession duty. The best and safest principle appeared to him to be, at the succession to assess the value of the property, not including the advowsons, and to charge duty upon that amount.

The CHANCELLOR OF THE EXCHEQUER said, he would admit that the idea of not taxing advowsons or presentations was a new one; but he could not agree with the hon. and learned Gentleman that they had the slightest possible claim to exemption. It would, in his opinion, be very far from reasonable to exempt that particular description of property, which was only just recognised by law, and the existence of which was not very desirable in a social point of view, from the operation of this tax. It seemed to him, on the contrary, to be the most fitting description of property to be taxed.

Clause *agreed to;* as was also Clause 24.

Clause 25 (Concerning the rules as to manors, mines, &c.).

MR. NEWDEGATE said, he wished to point that there was a distinction between landed property and property in mines. Land was reproductive, whereas a mine was not. He wished to know, in the case of a person holding a fee-simple, and another only possessing a life interest in it, if both would be taxed alike.

MR. MALINS said, he also took exception to the clause, on the ground that there was no means of compelling agreement between the parties as to the number of years to be taken as the basis on which to calculate the value of the property.

The CHANCELLOR OF THE EXCHEQUER said, he understood the hon. Gentleman (Mr. Newdegate) to ask him whether the owner of a mineral estate was to have the same benefit as the owner of a real estate, or would a man with a fee-simple be charged on the same basis as a man who had only a life interest. He could only say that the man having a life interest would be charged upon that life interest.

MR. G. BUTT said, he must beg to ask the right hon. Gentleman how he proposed to carry this clause into effect. In the first part of the clause it was provided that the annual value should be calculated upon the average profits during such a number of preceding years as should be agreed upon between the Commissioners and the successor. Now, he did not see what power existed for carrying such an agreement into effect, or how that part of the clause could be worked; and he was equally at a loss to understand in what manner, in the event of the period being agreed upon, the principal value of an unwrought mine was to be determined.

The CHANCELLOR OF THE EXCHEQUER said, that in the present clause there were two alternatives. The latter part of the clause, he apprehended, would have the effect of inducing persons to consent to an agreement with the Commissioners, for, if not, a valuation would be made of the property, and that was generally not considered desirable. The course of proceeding would be that persons succeeding to such property would have presented to them a case for agreement on the number of years; if no agreement were made, then there would be a valuation of the property. With regard to unwrought mines, they would not be taxed at all.

MR. G. BUTT said, he thought that it would be convenient in the first part of the clause to fix the number of years.

The CHANCELLOR OF THE EXCHEQUER said, he must entirely disagree from that opinion; it would, he thought, be most inconvenient to specify a fixed number of years in all cases.

SIR JOHN PAKINGTON said, that nothing could show more strikingly than the clause now under discussion, the excessive difficulty and the risk of injustice which were incurred in imposing a succession duty. The right hon. Gentleman the Chancellor of the Exchequer did not by that clause give the successor the same option which he gave him in the clause with respect to timber, of paying on an average of receipts, or on the capital value of the property. He (Sir J. Pakington) knew at the present moment several instances of mining property which would be affected by this clause. He would suppose a case where a mine had been just opened and a vein struck. Suppose then a succession to take place; how could it be possible to ascertain an average value in that case? He should move, by way of Amendment, the omission of the following words:—

> "Or if no such period shall be agreed upon, then the principal value of the property shall be ascertained, and the annual value thereof shall be considered to be equal to the interest, calculating at the rate of 3*l.* pér cent per annum on the amount of such principal value."

The CHANCELLOR OF THE EXCHEQUER said, that the chief objection to the clause seemed to be the difficulty of making valuations; but he need not remind the Committee that that difficulty was got over every day with reference to every description of property. It was usual for parties to take unopened mines, and to hold them in every possible state; and the question which the right hon. Baronet opposite considered so difficult frequently came before the House in the shape of leasehold interest. No mine was either let or taken without what amounted to a valuation in the sense in which a valuation would be required under this clause. He hoped, therefore, that the Committee would reject the Amendment, which, if carried, would render the clause completely inoperative.

MR. HENLEY said, that it was much easier to ascertain the value of mines under lease than mines which existed in a large real property, where it was impossible to say to what extent the mineral extended.

MR. G. BUTT said, he altogether dissented from the construction put upon the word "mine" by the right hon. Chancellor of the Exchequer; and appealed to his hon. and learned Friends the Attorney and Solicitor Generals to say if such was the correct and legal meaning which was meant to be conveyed by the word "mine?"

The ATTORNEY GENERAL explained that the clause referred to open mines, and that its meaning was apparent from its subsequent wording.

The SOLICITOR GENERAL said, considerable unnecessary alarm existed about the clause; but the fact was, that, if the Motion of the right hon. Baronet (Sir J. Pakington) was accepted, it would be impossible to include mineral property under its operation.

Mr. KENDALL said, the clause was based on an assumption that what had been profitable would be profitable again. Mines were treated as real property. He did not deny that enormous fortunes had been made in Cornwall, both by the proprietors of mines and those who worked them. But while there were great prizes, the blanks were enormous; it was a complete lottery. He possessed some mines which, twenty years ago, were yielding between 2,000*l.* and 3,000*l.* a year; the vein suddenly failed, and he now received only 74*l.* a year from those fields. Had he died at the former period, his son would have had to pay the succession duty on the larger amount. The case was the same with all the tin, lead, and copper mines—the value was continually fluctuating. A vein might dip into a neighbouring mine; and it consequently became valueless. He hoped the Chancellor of the Exchequer would defer the clause, in order to consult some practical men. He did not wish to evade the tax, though he was not at all sure that this property ought to be taxed. The only plan he could suggest for its taxation was, that as there was great speculation in mines, which were generally sold for about five years' profits, a deduction should be made from this for the plant, &c., which did not belong to the proprietor, and that the value should be taken at about 3½ years' purchase.

The CHANCELLOR of the EXCHEQUER said, he did not see any reason for postponing the clause. No doubt there was great uncertainty about mining property, especially that of Cornwall; but, if the mode of valuation suggested by the last speaker was a correct one, why should it not be agreed upon between the parties and the Commissioners? This would be much better than introducing certain words into the Act. It was said that when land was sold in Cornwall, supposed to have mineral property under it, it only fetched about one year's purchase more; and what could the taxpayer desire more than that he should be assessed on the same principle?

Mr. KENDALL said, he must repeat that it would be impracticable to carry out the clause as it stood. Where a proprietor had large mineral property, his son seldom got it, for a vein in Cornwall rarely lasted above two years.

Mr. WALPOLE said, he must recall the attention of the Committee to the question raised by the Amendment—whether the alternative contained in the clause should be struck out. He agreed with the hon. and learned Solicitor General that some such proviso was necessary. If he understood the clause right, a party coming into possession of a mine, and paying the tax on its then value, would be entitled to an allowance in the event of its becoming depreciated in value. If a man had got an estate of a thousand acres with a mine unopened, he was not taxed; but if a man had got an estate of a thousand acres with an opened mine, they taxed him on an amount which he might not get in his lifetime. That difficulty they would get into with this clause; but it was a difficulty incidental to the tax, and was one of the objections to the Bill. They ought to strike out of the Bill all the expressions which affected future contingencies, and they would then remove half the objections to the Bill. The Bill ought to be so framed that there should be no doubt that a man could not be taxed for an unopened mine.

The SOLICITOR GENERAL said, he was disposed to remove every word that was likely to create a doubt as to the meaning of the clause. As to the suggestion of the right hon. Gentleman, he was disposed to think that if they adopted it in the Bill, it would create in some cases the greatest possible hardship, inasmuch as the property at time of death might be exceedingly productive, and yet afterwards become almost valueless.

Mr. DRUMMOND would suggest, whether it would not be better to take a number of years, upon which the average of the profits should be taken.

The CHANCELLOR of the EXCHEQUER said, he thought that the second part of the clause would meet the view of the hon. Member.

Mr. MICHELL contended that a mine was not a mineral, but the means by which one got at a mineral. Besides, it was a fact that nine-tenths of the mines in Cornwall yielded nothing at all, while some in other parts of the country yielded 50,000*l.* a year. He would, therefore, suggest the addition of words making the tax payable only on a mine yielding profit, that profit to be settled by arbitration.

Mr. BOOKER said, he thought that the

clause should run thus:—That the yearly value of any manor, mine, or other real property producing a fluctuating yearly income, should be calculated on the average profits, or the income derived therefrom.

The CHANCELLOR OF THE EXCHEQUER said, he had no objection to the words proposed by the hon. Member (Mr. Booker), as he then understood them, but perhaps the hon. Member would furnish them to him in writing.

MR. HENLEY said, he considered that the annual value of the mines being taken to be equal to interest calculated at the rate of 3 per cent, was fixing the assumed value at too high a rate. Suppose 100 acres of land assumed to have coals under them. That would be valued as mineral land at so much per acre. Then, to arrive at the annual value, you would take 3 per cent upon the acreable valuation. That he considered to be a high rate at which to ascertain the presumable annual value of the mine.

VISCOUNT GALWAY said, the right hon. Chancellor of the Exchequer seemed to think that all mines were of the same value. Coal mines paid poor-rates, but lead mines did not. He hoped, since this highway robbery was to be made on land, that the Chancellor of the Exchequer would go further, and subject lead mines to the poor-rates.

Amendment *withdrawn;* Clause *agreed to.*

Clause 26 (Duty payable by corporations, &c., taking real estates).

MR. G. BUTT said, the first words of this clause were, "Where any body corporate, company, or society, shall become entitled," &c. He wished to know what meaning was attached to the words "company or society?" They appeared to him to be too general, and to convey no definite meaning. In the latter part of the clause, the words used were, "Body corporate, or registered company," which were intelligible enough.

The CHANCELLOR OF THE EXCHEQUER said, the words included a vast number of what he might call *quasi* corporations—that was to say, companies or societies in every possible form not incorporated, but which were the recipients and holders of money. For instance, the clause would be applicable to charitable institutions. Those were not bodies corporate, but they were companies or societies. He believed that even the halls at the universities would come under the same words. If there were any words which the hon. and learned Gentleman could suggest, he (the Chancellor of the Exchequer) would consider them.

MR. G. BUTT said, he had asked for information; but he would just observe that ordinary companies were not *quasi* corporations.

MR. APSLEY PELLATT said, he wished to give notice that he should move, as an Amendment in this clause, that after the words "body corporate," be inserted the words "and corporation sole, whether lay or ecclesiastical." His object was to bring before the notice of the Committee the question whether the clergy of the Church of England, receiving large amounts of the national finances, ought not to pay a portion of them as a tax on succession.

The CHANCELLOR OF THE EXCHEQUER said, the Amendment of the hon. Gentleman would not add in the slightest degree to the effect of the clause. Every corporation sole, whether lay or ecclesiastical, was beyond all question a body corporate, and was, therefore, already subject to the operation of the clause.

MR. APSLEY PELLATT said, he had spoken to competent authorities, and he had been told that without the words he suggested, clergymen would not be liable. He understood it was said that ecclesiastics were not to be included in the Bill on the same ground that Judges were exempted. But there was a wide distinction between the two classes of persons. Judges could not discharge their duty by deputy; a clergyman could—he might employ a curate. Archbishops with 15,000*l.* a year, bishops with 10,000*l.* and 8,000*l.*, down to 4,000*l.* a year, were persons who surely ought not to be excluded from paying their share of the national burdens.

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman had raised on this clause a question which he thought he could not bring within the scope of it, as he understood his object was that the bishops and clergy of the Church of England should be liable to pay this tax on taking their benefices, incumbencies, or bishoprics—[Mr. PELLATT assented]—that taking a benefice should be considered as a succession, and that the incumbent taking it should be liable to pay duty upon it. Now, he thought it had been clearly understood that this clause merely referred to successions accruing to a corporation on death, and did not at all refer to the successive enjoyment of the property of a corporation by the individuals of whom it was successively composed. The tax to be imposed on property in the possession of corporations was to be dealt with by a different measure. They were not here dealing with corporations in regard to property of which they were possessed, and in regard to which they stood in the position of predecessors before they did in that of successors; but merely with the case when a private individual was the predecessor, and a corporation was the successor. In that case no distinction was drawn between a clergyman and any other corporation. A clergyman did not, however, take a benefice as a successor, and it would be necessary to alter the entire Bill if it was desired to tax him on that event.

Mr. HENLEY said, that, by existing arrangements, large amounts of property were constantly coming under the control of the Ecclesiastical Commissioners, and, as he understood the Bill, as leases for lives dropped, those Commissioners would have to pay the 10 per cent legacy duty.

The SOLICITOR GENERAL said, that the Ecclesiastical Commissioners took property as trustees for a great variety of purposes, and the property accruing to them for public purposes would not come within the purview or operation of this measure.

Clause *agreed to.*

Clause 27 (Relates to the allowance for fines, &c., paid by successors).

Mr. MALINS said that, as it was then past 12 o'clock, and the House had sat till after 3 o'clock that morning, he must move that the Chairman report progress. He could assure the Chancellor of the Exchequer that he was labouring under great physical exhaustion, and he knew that was the case with other hon. Members, and he thought they ought not to proceed with the discussion of this measure, some of the clauses of which were strongly objected to.

The CHANCELLOR of the EXCHEQUER hoped they might be allowed to go on with the Bill until they arrived at some clause to which serious objections were entertained. When they came to any point of great interest or difficulty, they might stop, and it would then be known that the Committee would recommence the consideration of the Bill at that point.

Mr. HENLEY said, that, having been in attendance upon a Committee, he had been in that House since 1 o'clock, and he thought the further consideration of the Bill ought to be postponed. All the clauses affected, more or less, some interest or another, and it was scarcely likely that any of them would pass without discussion.

Mr. AGLIONBY said, that as almost every clause in the Bill seemed to bear hardly upon the landed interest, except that now before the Committee, which gave great relief to copyholders, he must confess that he would not like progress to be reported until they had decided upon this clause.

The Motion for reporting progress having been withdrawn, Clause *agreed to;* as was also Clause 28.

House resumed; Committee report progress.

SHERIFF COURT (SCOTLAND) BILL.

Order for Third Reading read.

Mr. ALEXANDER HASTIE proposed an Amendment on Clause 23. By the clause it was provided that the judgment of the sheriff in causes not exceeding 25*l.* should be final. This, he believed, would be a denial of justice, and he proposed, therefore, that in the event of the sheriffs disagreeing in judgment, there should be an appeal to a higher court.

The LORD ADVOCATE said, he must oppose the proposition, and it was negatived without a division.

Mr. CRAUFURD wished to say, that in the course of the discussions on this Bill, imputations had been cast on the working of the County Courts in England. Now, he could state from personal experience that this idea was an erroneous one, and that those Courts worked in the most admirable manner. He would also take the liberty of saying that his right hon. and learned Friend the Lord Advocate had been more successful in resisting law reform in Scotland, than the Attorney General had been with regard to the measures for England.

Bill read 3°, and *passed.*

WESTMINSTER BRIDGE BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. FREWEN said, according to the plans which had been submitted to the Select Committee, the elevation of this bridge was put down at twenty-five feet six inches above high watermark; but by the decision of the Committee, carried by the vote of the First Commissioner of Public Works, the elevation was reduced to twenty feet. This would materially affect the navigation, as a sufficient space was not left under the bridge for barges with straw, and it would also interfere with the arrangements for conveying coal up the river. He thought the Bill had been passed through its stages in a very objectionable way; but as he believed it would be opposed in another place, he would not now attempt to arrest its progress.

MR. APSLEY PELLATT said, he should like to hear what arrangements were made with reference to the temporary bridge, when the works would be begun, and also when they would be finished?

MR. ALCOCK said, he objected to the way in which this Bill had been pushed through the House, and he fully concurred in what had been said as to the inadequate headway under the bridge. The Houses of Parliament had been made ten or fifteen feet too low, and this bridge was to be sacrificed in consequence of the blunder. Vauxhall-bridge was six feet above the height proposed for Westminster-bridge; and the want of sufficient headway in the new bridge would be a positive injury to the owners of wharfs above the bridge; though he admitted the decreasing of the ascent for vehicles would be an advantage. He thought that the First Commissioner of Works ought to consent to give a headway of twenty-four feet instead of twenty.

SIR WILLIAM MOLESWORTH said, that the present bridge was quite sufficient for the traffic of the river, and yet the most available arch had but a headway of between twenty and twenty-one feet, and the new bridge would have a headway of twenty feet with more than twice the width of the existing arch. That would be amply sufficient for the present and prospective traffic of the river, while at the same time the traffic across the river by land would be greatly facilitated. The hon. Gentleman (Mr. Alcock) said the bridge was intended to be made low in order not to injure the effect of the new Houses of Parliament. He (Sir W. Molesworth) confessed, while consulting the convenience of the river traffic, that it was one of his objects not to injure the effect of the new building, which was one of the finest specimens of architecture of its kind in the world.

MR. HENLEY said, he must maintain that the explanation of the right hon. Baronet was extremely unsatisfactory. The new bridge would be so low in the archways, that it would practically destroy the finest river in the world, for it would in point of fact destroy the navigation between Vauxhall and London-bridge, merely for the sake of giving effect to the appearance of the new Houses of Parliament.

SIR CHARLES BURRELL said, he fully concurred with these views, and, with a view to afford further time for consideration, he would move that the debate be adjourned.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 29; Noes 34: Majority 5.

Question again proposed, "That the Bill be now read the Third Time."

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'this day week.'"

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 34; Noes 26: Majority 8.

Main Question put, and *agreed to*.

Bill read 3°, and *passed*.

The House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 4, 1853.

MINUTES.] PUBLIC BILL — 1ª Westminster Bridge; Battersea Park; Sheriff Courts (Scotland); Resident Magistrates (Ireland); Leasing Powers (Ireland).
2ª Copyholds.
Reported. — Soap Duties; Malicious Injuries (Ireland).
3ª Excise Duties on Spirits.

THE SCOTCH BANKRUPT LAW.

LORD BROUGHAM rose to *present* a petition from merchants and traders of the City of London who were concerned in the trade with Scotland, on the subject of the Scotch bankruptcy law. After doing so, he said he should certainly feel much disappointed if their Lordships did not favour him with their attention while he stated some matters respecting this petition, for it must be admitted that, generally speaking, though petitions were respectfully received by their Lordships, there was a great indisposition to attend to anything respecting them unless they had to touch upon some personal or party matter, and then there was no lack of attention either to the petition or the Motion made thereupon, on any matter mingled with it. He was sorry, however, to add that not only was this a petition, but it was a petition on a subject which was in itself not very likely to be a lively one. It was upon the subject of Scotch bankruptcy law, and praying their Lordships, that the Bill for the improvement of the administration of bankruptcy and insolvency in Scotland, which he (Lord Brougham) had lately introduced into their Lordships' House, may speedily become the law of Scotland. Before entering on the subject of the grievances of which they complained, he should first state to their Lordships who the petitioners were, and what their interest was in the subject, before he proceeded to give their statement of their grievance, and their suggestions for the remedy of that grievance. The petitioners represented the first houses in the City of London in every respect, and the first houses concerned in the trade of Scotland. There were upwards of 200 of these firms, the partners in which had signed this petition; and when he looked at the names of these firms, many of them he recognised as well known to him as being among the first in the City of London, and others he knew as holding that position by their description from persons intimately acquainted with them. To show their importance, it might suffice to state, that five of the houses out of the 200 represented by the petition carried on business with Scotland to the amount of considerably upwards of 1,000,000*l.* sterling a year. He had other petitions to the same effect, complaining of precisely the same grievance, from parties not in London, but connected with and carrying on trade in Scotland. There was a petition from Sir James Campbell, and other office-bearers in the Glasgow and West of Scotland Guardian Society for the Protection of Trade, and who, as such, were interested in the proper administration of the estates of bankrupts and insolvents. Every one who was acquainted with Glasgow was acquainted with the house of Sir James Campbell and Company; and this society was composed of mercantile houses who were all great traders in the city of Glasgow. He had also a petition from a corporate body (the directors of the Chamber of Commerce and Manufactures, established by Royal charter in the city of Glasgow, under the seal of the corporation), and signed by the chairman and secretary. Another petition with which he was entrusted was from the Merchants' House of Glasgow, also a corporate body, signed by the Lord Dean of Guild, and sealed with the seal of the corporation. He had also two petitions, to nearly the same effect, from different parts of England; one from Bradford from the Town Council; and another from Carlisle, the merchants and manufacturers of which city, from their proximity to Scotland, were deeply interested in this matter, arising out of the constant commercial intercourse between them and the northern parts of the United Kingdom. From Huddersfield he had a petition signed by twenty-three merchants and manufacturers, and from Cupar Fife a petition signed by various procurators practising before the Sheriff Court there, who were parties interested in the proper administration of the estates of bankrupts and insolvents in Scotland, and in the assimilation of the bankruptcy and commercial laws throughout the United Kingdom. He believed that a vast number of other petitions would very soon be presented to their Lordships, all upon the same subject, all complaining of the present system, and all craving a speedy and effectual remedy. The case was shortly this—and he would solicit the attention of his noble and learned Friends while he alluded to it, for it must be admitted, that though they were not bound to listen to all the suggestions which mercantile men might give for the reform of the law relating to bankruptcy, and though their Lordships were bound to exercise their own discretion according to the best lights they could obtain, yet when the question was as to the sufferings which were experienced under the present state of the law, they were bound to listen to those who were the sufferers, and who addressed their Lordships for the purpose of detailing their grievances, because it was the most important fact in the case that such grievances existed, and that such sufferings were by the petitioners endured. Now, the petitioners set forth the manner in which the law affected them, and he should endeavour, as distinctly as he could, to explain the state of the law. In 1831 a great change took place in England on the subject of the bankrupt law, as was well known to his noble and learned Friends, and that change was deemed to be necessary by the evils of the previously existing system. Now, suppose that, instead of the evils then complained of, and which led Parliament to reform the law—suppose it had been the case in England that the assignees of a bankrupt not only were apt to forget their duty, to go to sleep over their duty, and not duly to gather in and realise the bankrupt's estate, but that

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they had an indirect interest in not doing their duty. In one instance, he remembered, it had been found—and this was one great ground of the change made in 1831—that there was occasionally an indirect interest on the part of the assignees inconsistent with their duty; and where a bankrupt had funds, it was found that there was a tendency to allow the proceedings to linger on the part of the persons intrusted with these funds. In Scotland, however, the matter was a great deal worse. There was not only the same chance of neglect, and the same tendency on the part of these persons to slumber over their duties, but the trustee was there a paid officer, which the English assignee never was, and he was interested directly in delay by receiving payment. The trustee received a commission, which commission was awarded to him in the manner he would presently describe, and the consequence of his being a paid officer their Lordships would soon perceive. Suppose another difference had existed between the English bankrupt law in 1831, and the law as it at present stood in Scotland. Suppose the assignee had not only been the administrator of the funds arising out of the estate, but had been also vested with judicial functions, and had to adjudicate upon the claims of creditors as well. Yet that was the case in Scotland at this instant. He did not believe a system could have been more cunningly devised to frustrate the great object and views of the equal distribution of the bankrupt's estate, and the prevention of fraud and of delay—he did not think anything more cunningly devised to accomplish these two ends could have been conceived than the system which had long prevailed, and which still, he was sorry to say, almost in the full force of its abuses, continued to prevail in the bankrupt law of Scotland. First, there was the choice of the trustee. For this officer no qualification was required. He ought to be both an accountant and a judge. Instead of this, however, he was required to possess no learning whatever—no qualification of any sort. But there was one requirement—the trustee must have a majority of votes. Every kind of means, approaching even to corruption, were consequently used for the purpose of obtaining office, and after that, as in the case of an election for the other House of Parliament, the return of the trustee was capable of being set aside. As there was always a competition for the office—always what might be called a contested election—so there was, he would not say always, but very often, a petition, as it were, against the return of the trustee; and an application to the Court to set aside that return, led, as in the case of a Parliamentary petition, to "a scrutiny,"—namely, a scrutiny of the votes of the creditors by whom the trustee was elected. The case would, under such circumstances, be heard before the sheriff, who was judge-ordinary of the district, from whom there was an appeal to the Court of Session, and from the Court of Session to this House. The trustee had judicial functions. He had to decide upon the claims of creditors; but from his decision there was again an appeal to the sheriff, from him to the Court of Session, and from the Court of Session to that House. The trustee was never a lawyer, but it happened generally that he was a trader, though he was not sometimes even that. He ought to be both a lawyer, and an accountant, while it often happened that he was neither the one nor the other. As the office of trustee was a paid one, there were many who devoted themselves to the post for the emoluments to be derived from it, and thus was created a class of accountants such as existed a few years ago at Guildhall, and whom his noble and learned Friend the Lord Chief Justice would, if he were present, recognise under the description of accountants who could give no account. In his judicial capacity, when sitting to decide upon the claims of creditors submitted to him, questions of the greatest difficulty were brought before him—sometimes questions of law, sometimes questions of equity, and constantly questions of fact—in all which the trustee acted both as judge and jury. Those who were acquainted with the state of the Scotch law would know that the practice in the Courts there was unhappily different from our own—that the principle of fusion had been adopted there, and that there was no difference between the court of law and of equity. This trustee, however, was in all cases ignorant of law, so that when a very important bankruptcy occurred he was aided by an assessor, who was a lawyer. This was, of course, all at the expense of the bankrupt's estate, and therefore, at the cost of the creditors, and he himself had known an instance not long ago—not more than twenty or twenty-five years since—of a very important bankruptcy in which the trustee was aided by a learned person who was afterwards a Judge in the Court of Session—Lord Cuninghame—and they sat for many days, and he might say weeks, in unravelling the circumstances connected with this bankruptcy, eminent counsel being engaged, with appeals possible at every stage and at every decision given by the trustee, and with the appeal of which he had reason to know something; for it did not stop with the Sheriff, but went next to the Court of Session, and afterwards to their Lordships' House; he referred to the remarkable case of "Grant and Baillie," the only instance he remembered in which the Judges of England were called in to decide a Scotch case. By the Bill which he (Lord Brougham) had introduced, power of appeal was only given to the Court of Session, for he looked upon the appeal of the trustee to the sheriff as entirely useless. Under the present system three of the creditors, or agents of the creditors, were chosen commissioners. These commissioners had no qualification, and were supposed to be a council, by whose advice and opinion the trustee might, if he thought fit, be ruled, though he was not bound to be so. The natural consequence was, that when the trustee considered there was a responsibility involved in the trust, he would call in the council; but when he thought he could do without them, he would not call them in. One function of great importance was performed by these commissioners—they audited the accounts of the trustee and awarded his commission, so that his salary was so far in their hands. Now, the trustee was frequently enabled to exercise a great voice in the choice of the commissioners; the kind of votes by which they were elected very much depended upon him; and the consequence was, that in many cases it was found that the commissioners, owing their election to the trustee, were disposed to favour him in auditing his accounts, and in fixing his payment. There was one part of the existing law which very much facilitated any improper proceedings on the part of the bankrupt and trustees. Not less than eight, though not more than fourteen, days from the period of sequestration, as the bankruptcy was called, were allowed the bankrupt for all these contrivances, and for fraudulent purposes, if he was inclined to devote it in that way. There was no power of taking possession of the bankrupt's property until eight days, and it might be fourteen days, after the bankruptcy. In the meantime the bankrupt could make away with his property, and, if a dishonest man, he might occupy that time in creating votes on fraudulent or fictitious claims, so as to elect a trustee of his own nomination, in giving illegal preferences, and in making away with and concealing his property. Now, it was quite bad enough that there should be an elective court of justice at all, but it was monstrous that there should be a court of justice appointed by election in each particular case; and that, be it remembered, not a court of arbitration appointed by the choice of the two parties, but by a number of creditors, with all the evils incident to such a system. By that body, and in that way, was the court in each instance constituted. He had referred to the possibility of appeal. The appeal might take place in the case of the choice of the assignee, or trustee as he was called in Scotland, and perhaps two or three years, as had been known to be the case, elapsed before the choice was confirmed. All this while the unhappy creditors, who had or ought to have had no interest whatever in the matter, were kept out of their rightful claims. They did not care one rush which of the two rival candidates to the office was successful: all they wished was to have the business done. The petitioners stated how much they suffered under this system. "The season," they said, "for which the bankrupt's goods were manufactured passes away, the articles get out of fashion, and a fall in the market often takes place which greatly diminishes the value of the bankrupt's property." Another evil was, that the bankrupt was often disposed to offer a composition with which the creditors would be satisfied, but, until the choice of trustee was finally confirmed, that composition could not be accepted, and in the meantime the bankrupt otherwise disposed of money with which he had intended to satisfy the claims against him, and the creditors were often entirely frustrated in their endeavours. With regard to the system of class certificate which now prevailed in this country, instead of adopting the English change in the law in this respect, and taking from the creditors the whole of the power of granting certificates, this power remained throughout Scotland in the hands of the creditors, subject to all the evils pointed out by the Commission of 1839 and 1840. By dint of canvassing, by private interest, and not unfrequently by direct bribery, the bankrupt now gave certain powers to certain creditors for the express purpose of obtaining their vote. Again, no provision was made for the public examination of the bankrupt. The old Act said he should be examined publicly; but, practically, the bankrupt was never examined in public, but always privately. There was also no examination—at least no effectual examination—of the creditors themselves. He would fain hope that the petitioners were mistaken in their statement that, under the present system, there was no provision for the examination either of the bankrupt or of the creditors. He thought that must be a mistake, because under the Act of 1851 he believed provision was made to enable the Court to examine the bankrupt, and, in fact, to compel his examination. Upon all these grounds the petitioners prayed their Lordships to adopt the Bill which now lay before them awaiting a second reading—a Bill which he had the honour of introducing; and they added also, that the course which that Bill took relating to arrangements in cases of insolvency was advisable, and ought to be adopted. The Faculty of Advocates having had under their consideration the Lord Advocate's Bill on the subject, disapproved of a good part of the Bill, expressed no opinion as to whether it went far enough or not, but added that they did not approve of one portion of the Bill, which, in his opinion, was the only step of any importance in the measure—namely, that of giving immediate possession of the bankrupt's papers and books. He was bound to say that the measure which he brought before their Lordships, and in behalf of which these petitioners addressed the House, the other petitioners joining in that prayer, had been most carefully prepared by persons well versed in the Scotch bankruptcy law—by practitioners both at the Scotch and English bars; and the measure had been by them prepared with the greatest possible knowledge of all the details. He had only to mention the name of his learned Friend, Mr. John Gilmour, who had framed the measure, to prove that the Bill had received attention from one possessing a perfect knowledge of the law on the subject, and a complete acquaintance with the practical working of the present system. It was said that the change which had taken place in the English law, and to which he had alluded, was less applicable to Scotland than to England. There might be other parts of the law than those he had mentioned, in which the Scotch was more to be approved than the English law. What was the moral of this? It was, that the whole matter should be carefully considered by those Commissioners who had been recently appointed to take into consideration the assimilation of the mercantile law in different parts of the United Kingdom. That Commission proceeded from the Government, as their Lordships were aware, in consequence of a great conference held last year, at which, in the first place, the noble Lord on the cross bench (the Earl of Harrowby) presided, and over which, secondly, he (Lord Brougham) had presided, composed of representatives from all the great trading towns in England, Scotland, and Ireland. The idea of that conference had, he believed, arisen from the formation of different societies for the amendment of the mercantile law, particularly in some parts of Scotland. A learned person, Mr. James Stewart, having been in Scotland, had had communications with those parties, and he rather believed it was in consequence of the communications between him and some of those bodies in the west of Scotland, that the conference was appointed. It had given him (Lord Brougham), he must say, great satisfaction to preside over the conference in question, because a more moderate and more rational assembly of persons could hardly be conceived upon any matter so interesting to the feelings of the individuals themselves. They were all interested in the trade, commerce, and manufactures of the different towns from which they came; but there was no tone of violence, no headlong steps taken towards a change, no desire of change from the mere love of change, but, on the contrary, what was done was done in the most rational and temperate manner he had ever heard. Another gentleman, Mr. Leone Levi, who had devoted a large degree of attention to the subject of the continental mercantile law, had promulgated the idea of an international commercial code; and a noble Duke and his Royal Highness Prince Albert were understood to support the opinion he expressed, that the state of the world was ripe for the formation of a general international commercial code. Others, however, had had some doubts about this, and had thought that, at all events, we should begin more humbly, by considering whether or not a commercial code should be established for the United Kingdom, leaving other countries out of the question—at least for the present. The conference had bound itself to that opinion, but without giving up the hope that they might live to see a more general union among the different nations of Europe on this subject, and the formation of one general international commercial law among all civilised nations. The differences at present existing between the various codes were not very great; but where those differences existed they were very embarrassing. He ought to apologise for having so long detained their Lordships; but he had deemed it his duty to the petitioners who had entrusted to him the presentation of the petition to state the facts which he had laid before the House. He did not intend to press forward this Session the Bill to which he had alluded; but he considered it would be in its proper place if referred to the Assimilation Commissioners.

Petitions read, and ordered to be on the table.

CHURCH BUILDINGS ACTS AMENDMENT BILL.

The EARL of HARROWBY, in moving that their Lordships go into Committee on this Bill, stated that it had two principal objects:—The first of these objects was to provide for the aggregation of small livings in populous towns and cities, with a view to make better provision for the population on the outskirts of these places. Their Lordships must be quite aware of the manner in which churches were crowded together in some of our ancient cities. In London, for instance, there was an immense accumulation of churches, forming, no doubt, a great external ornament to the City, but tending but little to the spiritual advantage of the inhabitants. Even at the time of the fire of London it was felt that the number of churches in the City of London far exceeded what was requisite for the wants of the population; and the first Act of Parliament which was passed for the rebuilding of the City provided that only thirty-nine churches should be rebuilt. Three years later the number was increased to fifty-one; but even then it was found convenient to supress forty-eight churches which had existed before the fire, and to combine their endowments, and the parishes to which they belonged, with those of other churches that were preserved. There was, however, still such an excess in the number of churches, that he might mention one case in which there were five churches in an area no larger than Grosvenor-square, and not containing an equal population to that of that square. There were similar cases scattered over the City in every direction. In fact, the population of the City, and with it the necessity for these churches, was diminishing every year, and the houses were becoming mere shops and warehouses; nor was this all, for the population that still remained resident in the City were more and more in the habit of leaving it on Saturday evening for some more agreeable and healthy retreat, where the Sunday was passed. You might find many very noble churches where there were not above fifty or sixty persons constituting the congregation. Some churches admitted even literally addressing the congregation in the very terms of the Irish curate, who began the service with "Dearly beloved Roger!" This did not arise from any diminution of attachment to the Church, for the same thing was observable with respect to dissenting meeting houses, eight or ten of which had within the last few years been pulled down and abandoned. The same process, though not to the same extent, was going on in several other of our ancient cities. In old times, when those cities were enclosed within walls, the population resided in high houses, and in narrow streets, and were crowded together in a small space in the heart of the town; but this was so no longer, and the hearts of the cities were becoming places of business, while the population resided in the suburbs. The question was, whether the churches should be allowed to remain where they were, and to remain empty; or whether they should be made to follow the population? He thought the latter alternative should be adopted. For this purpose it was requisite that there should be some extension of the powers existing under the present Acts for the pulling down of churches and the union of benefices. The bishop of a diocese had at present the power, under certain circumstances, to pull down churches and to unite contiguous parishes; but the process by which this was to be done was encumbered with inconvenient formalities, and was restricted by the condition that the parishes should be contiguous. Now, it was often desirable to unite parishes which, though not contiguous, were yet within a very short distance of each other. It was not surprising that some persons shrunk from the idea of demolishing churches; but as the great object of the Church was to subserve the wants of the population, he thought that, keeping that object in view, it was desirable that the churches and the endowments should follow the population. Nor was it a new proposition to pull down churches. Churches without end had been pulled down for secular purposes—in order to the construction of a railway or a dock, for the widening of a street, or the improvement of the health of a town. Would they then shrink from doing so when the object in view was the supply of the spiritual wants of the population? The object, then, of the first eight clauses of the Bill was to facilitate the union of small city parishes, and the transfer of their endowments elsewhere. It would, he thought, be for the benefit of the Church that the churches should not remain, as at present, without congregations. For what must be the effect on the public mind of nonresident clergymen and empty churches, and, in consequence, specimens of every kind of scandal that was most injurious to the Church? The next object of the measure was to give additional facilities for the surrender of patronage. There were a great number of cases in which parties were quite willing to give up their patronage to benefices in order that the endowment of these might be improved, if the opportunity were offered to them. In the Report of the Commissioners it was stated that

—"in a large number of cases of small livings, however, we find the right of presentation vested in the Lord Chancellor. In these cases we conceive that, by a process which we will presently describe, the income of the benefice might be greatly improved, and the efficiency of the Church proportionately augmented. The Lord Chancellor at present administers the patronage of no less than 754 livings, having an annual value of 190,000*l*. He has likewise the alternate presentation of 23 benefices, of which the annual value is 7,877*l*., making a total of 777 benefices, with an aggregate annual value of nearly 200,000*l*. The income, however, of a great portion of these benefices is very small, too small to be desirable as preferment, and insufficient to secure the services of a resident pastor. We find, so far as it is in our power to ascertain, that there are six of less than 50*l*. annual value, 56 above 50*l*. but under 100*l*., 124 above 100*l*. but under 150*l*., and 144 above 150*l*. but under 200*l*., making a total of 330 insufficiently endowed. It is obvious that the advowsons of benefices of this description can have no value as patronage in the ordinary sense of the word. It is difficult to find persons willing to undertake the charge of cures which entail more than the responsibility, but yield less than the salary, of a curacy. Speaking generally, they are not and cannot be sufficiently served, and the spiritual interests of their population are almost necessarily neglected. We are of opinion that these evils might be greatly diminished, so far as the benefices in the gift of the Lord Chancellor are concerned, by offering the right of presentation to persons interested in the welfare of the population resident within these cures, on the condition that the whole purchase money, or so much of it as would suffice to raise the annual value of the benefice to 200*l*., should be applied to that purpose. This additional endowment would, of course, increase the value of the advowson, and the sum which would be given for it. The marked and growing interest felt by the wealthier classes in the spiritual as well as the temporal welfare of the people, would, we believe, under the circumstances and conditions we have described, induce many persons to give for the advowsons of these insufficiently endowed benefices a sum far exceeding their mere market value; and if the example so set were, as is not improbable, to be followed to the extent of selling the next presentation by public bodies and private patrons, a vast number of parishes now almost without religious instruction for want of an adequate endowment might be brought within the regular ministrations of the Church. The direct effect, however, of this proposal would be, to place nearly 330 cures of souls now in the gift of the Lord Chancellor, but which are almost useless for spiritual purposes from the insufficiency of their endowment, on a footing to secure to the people resident within their limits all the advantages to be derived from the ministrations of a resident pastor. The remaining benefices in the gift of the Lord Chancellor are 447 in number, and vary in value from 200*l*. to 1,207*l*. per annum."

These two which he had mentioned were the principal objects which this Bill had in view, although there were other clauses dealing with matters of less importance—for instance, to enable certain corporations to part with their patronage, not for their own advantage, but for that of the Church. He ought, perhaps, to apologise for meddling in this matter, as some parties thought it indecent for a layman to interfere with the affairs of the Church; he believed, however, that their Lordships would not be of that opinion, and would not think that he had at all transgressed the line of his duty in proposing this Bill for their adoption.

The EARL of POWIS thought that there were some parts of this Bill which would on consideration bear a less favourable construction than that which the noble Earl had placed upon them. Under its provisions it would be competent for an Archbishop or a Bishop of a diocese to unite parish A to parish B; and then, if the united parishes had an unnecessarily large income, to transfer the surplus to parish C. But the Bill did not stop here, for, in the next place, in order to create the surplus, it gave the Bishop power to order church B to be pulled down. Thus it proposed to promote church extension by pulling down churches; to provide for the cure of souls by giving two parishes to one minister; and, instead of diminishing pluralities, to enable one person to hold two livings.

The noble Earl had referred to cases of parishes in which the population was very small; but these were extreme cases, and the Bill was not limited to them, as by it the union of parishes was in future to take place without any of those restrictions on the score of population which the present law imposed. The smallness of the population might be a very good reason for diminishing the endowment, but not for taking away the church and the minister from the parish. It was possible that a change might take place, as, for instance, by the erection of gigantic lodging houses; and that the population might once more return to the heart of the city where they had to work; and in that case an originally largely endowed benefice would be in a worse position than one poorly endowed, since it would have been despoiled simply for the benefit of another parish. He did not think it was at all objectionable that there should be a number of small parishes in a diocese like that of London—to which the Bill almost entirely applied—to which clergymen worn out by a life of active duty might retire for repose in their old age, and still do good service to the Church. The sixth clause enabled the bishop of the diocese to order any church included in such a union of parishes to be pulled down, and its site, and the building materials of which it was composed, to be conveyed to the Commissioners for the building of new churches, to be by them sold. Now, he could not help referring to the painful feelings which must be excited by the sale of churches, particularly amongst the friends and relatives of deceased persons who were interred in their graveyards. What, too, could be more unseemly than that the materials of which fine old churches had been composed, should be sold by public auction, when they might be bought by some speculator, perchance for the erection of a beershop or a gin palace upon the very site now consecrated. It was said that churches were pulled down for other purposes; but in general when they were destroyed to make room for a railway, or other public work, there was a provision for their re-erection in some other quarter oftentimes much more convenient for the parishioners. Besides, in each case, such destruction was agreed to in view of a particular public benefit, which was a very different thing from authorising a general measure of that kind. Moreover, in these instances the civil power overruled and coerced the Church; it might be a necessity, and agreed to under pressure; but he had yet to learn that it was a work of piety, a work such as the chief ministers of the Church should themselves set forward and promote. If the right rev. Prelates dealt with consecrated ground and fabrics in this secular and commercial spirit, the precedent so set would be carried further than they might like. With respect to the other objects sought by this Bill, he thought there would be no objection, in the case of parishes with large incomes and small populations, to applying a portion of their funds in aid of less wealthy districts, because then they would not destroy existing churches or parishes; whilst power would be reserved to the Archbishop of altering the arrangement, should the circumstances of the parish change.

The BISHOP of LONDON said, this Bill was the result of a Commission appointed to inquire into the best means of subdividing large parishes, and making more effectual provision for the spiritual wants of poor districts, and the provisions embodied in it were the mode chosen to effect the object in the districts where the anomalies complained of existed. The noble Earl had brought forward the measure not on his own responsibility, but as representing the Commission to which he alluded, of which both himself (the Bishop of London) and the Archbishop of York were members. It was not to be supposed that the persons of whom that Commission was composed, would allow any measure to be brought forward that would bring discredit on the Church; and the need of some such Bill as was now proposed, had for some time been generally recognised. The condition of the City of London as respected population and church accommodation was well known to their Lordships; the disproportion was very great at the period when the Ecclesiastical Commission was instituted, and had even increased since that time, and no one could traverse the City without seeing church towers in vastly greater abundance than the number of inhabitants required. What it was now proposed to do was, to take the churches down where they were not wanted, and erect them in localities where they were imperatively required. The principle of the Bill was far from being new; there were many instances in which churches had been pulled down where they interfered with public convenience. Many of our streets never could have been widened, and many of our most useful public buildings could not have been erected, if that religious feeling which was amiably cherished on behalf of the maintenance of our ancient structures, had been permitted to interfere with the public requirements. One of the most objectionable features of such alterations was, that which concerned the desecration of the burial grounds, and the removal of the bodies. On this head he would only say that every care had been taken to avoid any violation of public feeling, or offence to public decency. He had never received a remonstrance from any person in reference to the removal of the remains of any individual deceased; and provision was made for their removal, in all cases where it was practicable, under the superintendence and control of the relatives themselves. It was a case of frequent occurrence that persons who had had their relations buried in one churchyard, after a lapse of some years, translated their remains to another. The sale of their chapels and burial grounds was a common occurrence in the case of dissenting communities. The truth was, that cases arose in which our feelings for the dead must give way to the requirements and interests of the living; and he did not hesitate to avow his conviction that the remains of former generations must not interfere with the temporal or spiritual welfare of the present. For himself, he would not object to the removal of the sacred relics of his dearest friend, if he were satisfied that such objection would interfere to prevent provision being made for the spiritual instruction of those who were now destitute. Be it observed that it was not proposed to give any power of demolishing a church, unless where means were provided for the erection of another. He recollected a case in which he had consented to the demolition of a church in the City of London, provided the corporation placed in the hands of the parties a sum of money which would enable them to erect a church in another destitute district. The bargain was made, the church was pulled down, and another church was erected where it was greatly needed. During twenty-six years, in which he had been intimately concerned with such measures as the present, he had never heard objections brought against pulling down existing churches which had become useless or dilapidated, when provision was made for the remedy, by this means, of urgent spiritual destitution. At present he anxiously wished to secure sites for two new churches in the district of Copenhagen-fields, near the new cattle market, where they were much wanted, and he had made a proposal to the City authorities, that if they would furnish him with the sites, he would consent to their pulling down two churches in the City. The noble Earl said, why not take the surplus of existing benefices, and transfer it to the incumbents of new churches? On this point he could say that the only two valuable livings which had fallen into his gift since he become bishop, he had cut down, transferring a large portion of their endowments to new districts. He hoped their Lordships would pass the Bill; he did not mean to say it was perfect, but it would certainly facilitate objects which he had much at heart, and enable them to make a considerable progress towards securing those objects. He felt thoroughly convinced that the inhabitants of any district in which he was called upon to consecrate a new church would feel thankful to him for having overcome any material prejudices that might stand in the way of those objects, and would be of opinion that feelings, pious and commendable in themselves, ought not to be allowed to act as obstacles to our duties towards the living.

The MARQUESS of BATH doubted whether the difficulties in the way of the measure would be so easily surmounted as the right rev. Prelate supposed; and he questioned whether the people would so easily acquiesce in the desecration of burial grounds and the removal of remains. He knew that in one or two instances in which this had been attempted, it had caused great commotion. He objected especially to the disposal of the sites for secular purposes.

The BISHOP of LONDON said, he relied on the proceeds of the sale of the sites very greatly for the raising of funds requisite to erect the new churches.

The EARL of MALMESBURY expressed some doubt as to the operation of the Bill.

House in Committee.

The EARL of POWIS repeated his objections to it, and pressed particularly for some limit in point of time.

The BISHOP of LONDON reminded the noble Earl that already, by a recent Sewers Act, he, as bishop, possessed powers similar to those with which this measure would invest him, only to a larger extent; for under that Act the Commissioners, with the assent of the bishop, could pull down any church, or remove any burial ground.

On Clause 6 (Giving power to sell and dispose of the edifices and sites of old churches),

EARL POWIS moved the rejection of the clause. He urged that when the Bill was passing through their Lordships' House for pulling down and disposing of the Royal Pavilion at Brighton, a clause was inserted to prevent the demolition and disposition of the chapel unless with the consent of the bishop of the diocese; and accordingly the Bishop of Chichester refused his consent until it had been provided that the chapel should be re-erected somewhere else, which was done.

The EARL of HARROWBY stated, that it had been quite a common practice, from the period of the great fire downwards, to pull down churches in the City, and replace them with secular edifices. He referred to an old book, from which it appeared that at the fire the consecrated sites of many churches were disposed of for the purpose of erecting banking houses or warehouses. A church had been pulled down to improve the approaches to London Bridge, and the Bank now occupied the whole site of an ancient parish, including that of the church belonging to it. Surely the noble Earl could not scruple more to pull down churches for spiritual purposes than for secular?

The BISHOP of SALISBURY entirely agreed with the motives which had induced the noble Earl opposite (the Earl of Powis) to move the Amendment; but if it were pressed to a division, he would feel compelled to vote against it. If it were found expedient to remove a church and to close a burial ground, was it possible that in the heart of a crowded city like this, the church could be allowed to remain a permanent ruin, and that the site of the burial ground could continue unoccupied? If the noble Earl could suggest any amendment, with the view of providing that, in the event of a burial ground being removed, the fullest respect should be paid to the feelings of even the poorest of Her Majesty's subjects, he would give such amendment his cordial support; but as he had felt assured that the authorities who were charged with the duty of carrying out this measure, would act with the greatest consideration for the feelings of all concerned, he hoped the noble Earl would not press the Amendment to a division.

The EARL of DERBY apprehended that, under the present law, in the case of its becoming necessary to remove a church or burial ground for purposes of public improvements, the bishop was enabled to act not on his own sole authority, but to consent to an object which was thought desirable by a public body. He entirely sympathised with the views expressed by his noble Friend behind him (the Earl of Powis) as to the general feeling of the public with regard to the sites of churches and burial grounds; but he confessed that after the case presented by his noble Friend (the Earl of Harrowby) and the right rev. Prelate (the Bishop of London), and more especially within the ancient limits of the City of London, he thought such considerations ought altogether to give way; for it was impossible to withhold assent to a measure which, although it might be attended with a minor evil, would still effect, in the only mode that was possible, a great and important object for the spiritual benefit of the inhabitants of the City of London itself. But, perhaps, the right rev. Prelate would consider whether it would seriously interfere with the operations of his measure, and whether it might not obviate objections to it if, in provincial towns having municipal corporations, the consent of the municipal body, as representing the feelings of the inhabitants generally, were made necessary before a church was pulled down, or a burial ground disposed of? To a certain extent such a provision might impose a useful additional check; and he was sure that the right rev. Prelate would himself desire that every check; not inconsistent with the principle of the Bill should be established, so that the bishop might not be placed in the position of having to exercise his own undivided and individual authority.

The BISHOP of LONDON thought that there might be no objection to some such limitation as that of requiring the consent of the municipal authorities with regard to the disposal of burial grounds; but with respect to the pulling down of churches, he thought it would be much safer that the bishop should be the originator of such a measure, and should act under the control of the Church Building Commissioners, and under the final supervision of the Secretary of State.

The EARL of POWIS reiterated certain of his objections to the clause, and thought that if it were agreed to, the words of the consecration service, which professed to set apart grounds for ever for sacred purposes, ought to be altered.

The EARL of HARROWBY could not consent to sacrifice the substantial objects of the Bill in deference to what he regarded as a mistaken feeling.

On Question, Clause *agreed to.*

Amendments made; the Report thereof to be received on Thursday next.

EXCISE DUTIES ON SPIRITS BILL.

Earl GRANVILLE moved the Third Reading of this Bill, the principal object of which, he explained, was to increase the duties of Excise on spirits in Scotland to the extent of 1*s.*, and in Ireland to the extent of 8*d.*

Lord MONTEAGLE said, that he viewed this Bill, both in its principle and application, with the greatest alarm, as to the effect it was likely to produce on public morals, on the peace of the country, and on the revenue. There could be no dispute as to the general principle that the Legislature was warranted in imposing the highest amount of duty upon spirits that could with safety and certainty be collected; but he doubted extremely whether, from the peculiar circumstances of Ireland, the Excise Department would be able to collect the increased duty now proposed. He thought he should be able to show their Lordships, on the contrary, that the effect of the Bill would be to lessen revenue, and not to increase it. He begged the House to bear in mind the amount of revenue they were risking by this experiment. The spirit duties of the United Kingdom amounted to nearly 4,000,000*l.* per annum, and constituted a burden of which nobody complained with justice. The fact was, that in Ireland the spirit duties constituted considerably more than one-fourth of the entire revenue collected in the country. The present Bill was founded upon an utter oblivion of every principle laid down by the highest authority, and established by the experience of all past legislation on this subject. In England there were very few distillers—the firms were large, they had extensive and costly premises, and contributed tens and hundreds of thousands a year each to the revenue. In Ireland, however, the case was totally different. There was no analogy between these establishments and an illicit distillery in Ireland. There, a man could obtain a small still at an expense of 3*l.*; he could get his fuel for the mere labour of procuring it, and his grain might be of his own growing. Two stone of oats, at 10*d.* per stone, a little malt, would produce for him one gallon of spirits, which would sell at the lowest at from 4*s.* to 5*s.* per gallon. He maintained, then, that with such a temptation to fraud upon the revenue as increased duties on spirits presented, no machinery they could devise, and no force they could employ, would be able to collect the duty. This was proved abundantly by experience. The history of the Irish spirit duties was instructive. In 1822 there was a high duty upon spirits; and the Government of Lord Liverpool being exceedingly anxious to consider all questions of Customs and Excise, and, above all, whether any loss to the revenue resulted from these duties, appointed a Commission, of which Lord Wallace was the head. In 1823 the Commissioners reported—

> "Our inquiries have satisfied us, and we think experience has fully proved, that in the remote parts of Scotland and Ireland it is impracticable to levy the high rate of duty at present charged on spirits. On evidence, and after much reflection, we are led to conclude that, if a higher rate of duty than 2*s.* 6*d.* to 3*s.* is put upon spirits, the licensed distiller cannot enter into competition successfully with the illicit distiller; and we cannot, therefore, hesitate to recommend a reduction to that amount. We hope that the reduction will not be attended with loss, but that an augmentation may be expected."

A reduction of duty was then made to 2*s.* 4*d.* per gallon, being an amount lower by 1*s.* than what was now contemplated by the Government to levy; and the effect was, that the consumption, which, in 1823, had been 3,342,000 gallons, rose, in 1824, to 6,690,000 gallons. In 1830 the Government of the day repealed the window tax in Ireland, upon the ground that it cost more to collect the tax than it yielded to the Exchequer. That might have been a very satisfactory fiscal reason for the repeal of that tax, but it was not a remarkably logical reason for imposing a new tax in its place. At that time, however, an additional 1*s.* per gallon was added to the spirit duties, which brought them exactly to the level now proposed by the Government, namely, to 3*s.* 4*d.* This addition immediately led to a falling off in the receipts; and Lord Grey, like his predecessor, appointed a Commission of inquiry, of which Sir H. Parnell was the head. The Report made in 1833 was in these terms:—

> "There is a complete concurrence of opinion that the practice of illicit distillation has almost uniformly kept pace with the advance of duty; that in 1823, when the great reduction of duty took place, the habits of the smuggler were nearly annihilated, and that the revival and subsequent increase of these practices have nearly been

contemporaneous with the consecutive increases of duty in 1826, 5½*d.*, and in 1830, 1*s.* It seems unnecessary that we should enter into the grounds on which we consider a reduction of the duty to the amount at which it stood under the recommendation of the former Commissioners as the only remedy for the evasions of duty which can be proposed with any prospect of success. A firm conviction induces us to urge the necessity of retracing the steps taken in increasing the spirit duty. We confidently expect a general suppression of illicit distillation, and a full compensation to the revenue."

In the following year, 1834, Lord Althorp introduced a measure with the view of putting down illicit distillation, and restoring the revenue by a reduction of the duty from 3*s.* 4*d.* to 2*s.* 4*d.*; and his Lordship then said—

> "That the Government had felt it their duty to consider the subject of the Irish spirit duties, with the view of ascertaining whether it might not be advisable by a diminution of duty to prevent illicit distillation, and at the same time not to expose the revenue to much loss. He felt confident that by repealing the increased duty of 1*s.* very advantageous results would be obtained, and that the amount of spirits brought to charge would rise from 8,000,000 to 10,000,000 gallons, and that in future years the revenue would suffer no loss whatever."

Immediately upon that alteration taking place, the amount produced rose not merely from 8,000,000 to 10,000,000 gallons, as Lord Althorp had anticipated, but to 12,296,000 gallons, and by this means the revenue was replaced in the position in which it had stood previous to the inconsiderate increase of the spirit duties in 1830. From that period until 1840 no alteration of the spirit duties took place; but in that year his right hon. Friend Mr. Baring added to them 4*d.*—a sum less by one half than was now contemplated. Such was the sensitive nature of the spirit duties, however, that the quicksilver did not respond more certainly to the heat of the hand applied to the bulb of the barometer, than did smuggling follow upon any augmentation of their amount. Accordingly, the addition of the small sum of 4*d.* per gallon at once increased illicit distillation, as Mr. Goulburn, who had the experience of 1830 before his eyes, had warned Mr. Baring would be the consequence of imposing that additional sum. Thus matters stood until 1842, when the Government of Sir Robert Peel, undismayed by the difficulties which had before occurred, proposed the addition of 1*s.* a gallon on spirits. Exactly the same results again ensued; and in the very next year Mr. Goulburn in the other House, and the Duke of Wellington in their Lordships' House, proposed the repeal of that additional duty. These were facts which could not be mistaken or controverted, and they clearly proved that illicit distillation had increased, and the revenue decreased, on every addition made to the duty. There was one other portion of the subject to which he wished to call attention, and that was the effect of illicit distillation upon crime. This was not a mere question between the distiller and the Treasury. He had shown that every rise in the duty had been attended with loss to the revenue, and every fall in the duty with an increase to the revenue. He would now show how it acted upon crime. He would take, for example, the returns from the gaol of Carrick-on-Shannon, as affording a fair illustration of this. In 1834, when the duty was 3*s.* 4*d.* per gallon, 52 persons charged with illicit distillation were confined in that prison, which only contained accommodation for 79. In 1840, when the duty was reduced to 2*s.* 4*d.*, the 52 prisoners had dwindled down to 2. In 1843 came the increase of duty to 3*s.* 8*d.*, and the 2 instantly mounted up to 26. In 1847 Mr. Goulburn's 1*s.* was removed, and the duty brought down to 2*s.* 8*d.*; immediately people ceased to distil, and the 26 declined to 3. He had similar returns from Lifford, Castlebar, and elsewhere, showing the same results. In the whole of Ireland there were in 1842 368 persons imprisoned, charged with the offence of illicit distillation; and in 1833-34, when the duty was 3*s.* 4*d.*, the number of prisoners was augmented to between 400 and 500. He thought it impossible to carry demonstration further of the ill effects of any measure. It might be asked, if the increased duty yielded nothing additional to the revenue, and the people of Ireland paid nothing more than before, where was the grievance? The question was childish, though, to his surprise, it had been put. To remit taxation was one thing; but to put a country in the position of evading and cheating the revenue, was not to be considered as a relief from taxation, nor yet, on other grounds, as a very desirable course to pursue. Certainly that was not the way in which he, for one, wished to profit by the financial arrangements of the Government. His noble Friend was trying a duty now which had failed before; but he was trying it under circumstances which must occasion it to fail at this time, even if it had succeeded on former occasions, because the prices of agricultural produce

Lord Monteagle

were now so much lower than they were then, that there was now a much greater temptation for a man to convert his grain into spirits than to sell it in the market, and many persons, therefore, would be induced to smuggle, who in other circumstances might not have attempted it. He must say, if this experiment were tried under circumstances which were calculated to deprive it of the small chance it would otherwise have of success, it would not be likely to gain the slightest fragment of popularity which could by possibility attach to it. When it had been proposed on former occasions, it had been to permit the repeal of other taxes. In 1832 the tax was proposed to compensate for the removal of the window duties from Ireland; and in 1842 as an equivalent for not extending the property tax to Ireland. On the present occasion it was just the reverse, and Ireland had got an increased duty on spirits, and the income tax and other onerous taxes into the bargain. Indeed, no one could consider the present Budget without seeing that, however it acted upon other parts of the Empire, it operated with a most unjust pressure upon Ireland. By the repeal of the soap duties, the assessed taxes, and post horses, and by the extension of the income tax to incomes of 100*l.* a year, there was remitted altogether to Great Britain 1,040,000*l.* a year. In Ireland, on the other hand, while the total remitted was only 245,000*l.* of consolidated annuities, there were imposed, the income tax, 460,000,000*l.*, and spirit duties, 198,000*l.* —total, 658,000*l.*; or, in other words, there was additional taxation imposed upon Ireland to the extent of 413,000*l.* a year, while in Great Britain there was a remission of above one million. From 1800 to 1815, Chancellor of the Exchequer after Chancellor of the Exchequer had, in search of revenue, imposed new taxes upon Ireland year after year, until in 1815 the Minister was obliged to admit in Committee that, having imposed taxes to the amount of 3,000,000*l.* sterling, the result had been a loss of 10,000*l.* a year. He had felt the Bill to be so important to the interests of Ireland, that he deemed he should not have been doing his duty had he not trespassed upon them to the extent he had, even at a time which was, no doubt, inconvenient for the discussion of a question of this nature.

The EARL of DERBY did not rise to make any observations on the speech of his noble Friend who had just sat down. He would only say that, omitting, perhaps, the latter portion of his speech, in which he alluded to the relative relief from taxation afforded by the recent Budget to England and Ireland, and which, perhaps, was not necessary to the illustration of the question, he was bound to say that, with regard to the whole of his remaining arguments, with regard to the authorities which he had brought to bear upon the subject with respect to the practical effect found to result from previous corresponding increases of the duty, and to the anticipations for the future, he entirely concurred with his noble Friend. He was satisfied that this was an impolitic addition to the duty, which would not increase the revenue; but in the then state of the House, considering that the Bill was one to which the Government attached importance, and from which they anticipated to derive an increased revenue of 400,000*l.*, a deprivation of which would convert their present imaginary surplus into a deficiency, he should be unwilling to do more than to express his entire concurrence in the views and opinions of his noble Friend. He should be sorry to see a Bill which had passed the House of Commons rejected by so small a number of their Lordships as were present at that time. That consideration alone—a consideration of the small numbers by which if the Bill should be rejected it would be rejected, and the consequent absence of weight which such a decision would carry with it—that consideration alone it was, and not any doubt of the mischievous character of the measure before them, which prevented his taking the sense of those Members present with regard to the passing of the Bill. He was disposed to leave this case in the hands of the Government. He believed that as former Governments had found it necessary to retrace their steps, so the present Government also would see the evil consequences that would flow from this proposition, and would have the unpleasant duty of confessing that they had been altogether mistaken in the effects which they had anticipated.

EARL GRANVILLE said, that of course he was perfectly aware, from the high character of the noble Earl opposite, that there was no chance of his trying to defeat this Bill at that particular stage. It was not necessary for him to go further into the discussion of the subject than to say that he entirely concurred with the noble Earl as to the amount of ability and knowledge which had been shown by the noble Lord near him (Lord Monteagle), in the speech which he had just made; and he certainly should not follow the noble Lord into that which he had admitted to be irrelevant—namely, the whole question of the Budget. He might, however, say that having lately been in Ireland himself, nothing had struck him more than the general concurrence, not of political partisans merely, but of that class most connected with commercial undertakings, and most interested in the general welfare of Ireland, in the opinion that there was a general return of prosperity to that country, and in an entire disclaimer of anything like a disapproval of the Government proposition as affecting them. He would simply observe, with reference to the loss to the revenue when the shilling duty was imposed, that it took place just at a period when a great change took place in the consumption of spirits, owing to the exertion of Father Mathew.

On Question, *Resolved* in the *Affirmative.*

Bill read 3ª accordingly, and *passed.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 4, 1853.

MINUTES.] NEW WRIT.—For Cornwall (Western Division), *v.* Edward William Wynne Pendarves, Esq., deceased.

PUBLIC BILLS.—2° Land Revenues; Assistant Judge (Middlesex Sessions).

SUCCESSION DUTY BILL.

Order for Committee read.

House in Committee.

Clause 29 (Relating to the mode of charging for personal property which is to be invested in real property).

MR. WALPOLE said, he would suggest, that it would be more convenient in all cases to have the amount of the tax deducted out of that which was personal property in the first instance; and he would, therefore, beg to propose the substitution of "may" for "shall" in the concluding portion of the clause to which his objection applied.

The CHANCELLOR OF THE EXCHEQUER said, that the right hon. Gentleman seemed to understand that the charge in the case which suggested the objection, was held hanging over the head of a successor till the investment in land had taken effect, and was then exacted in the form laid down; but there was no such intention as that the charge should be hung up. The whole meaning of the clause was, that the interest of the successor in the property should be ascertained in the same manner as if were real property—that was, it should be charged on his life interest.

Clause *agreed to.*

Clause 30 *negatived.*

Clauses 31 and 32 *agreed to.*

Clause 33—

"In estimating the value of a Succession, no allowance shall be made in respect of any incumbrance thereon, created or incurred by the Successor, whether by appointment or otherwise, not made in execution of a limited power of appointment, but an allowance shall be made in respect of all other incumbrances, provided that upon any Successor becoming entitled to real property, subject to any prior principal charge, an allowance shall be made to him in respect only of the yearly sums payable by way of interest or otherwise on such charge, as reducing the annual value, *pro tanto*, of such real property."

MR. WALPOLE said, that by this clause it was provided that no allowance should be made in respect to any incumbrance created or incurred by a successor, whether by appointment or otherwise. Now, as the clause was retrospective as it stood, he conceived that in cases where creditors were concerned especially, its operation would be attended with great injustice. He suggested, therefore, with the view of making it prospective instead of retrospective, that the words "after the passing of this Act," should be inserted after the words "created or incurred by a Successor."

The SOLICITOR GENERAL said, he understood the right hon. Gentleman to mean, that whenever a successor should have anticipated his interest by a special charge, though he had received already the benefit of a great part of the interest to which he was entitled, he should be relieved of the duty attached to inheritance to the extent of the money by which he had anticipated that inheritance. The cases to which the right hon. Gentleman had referred were met by the 14th clause, which had already been passed. To adopt the suggestion of the right hon. Gentleman, would, in point of fact, be to deprive the Bill of its operation.

MR. WALPOLE said, he must say, that, if the clause were passed in its present shape, it would be the greatest act of injustice done to creditors by legislation that he had ever witnessed; he must, therefore, press the introduction of the word he had intimated. Suppose a man, a stranger in blood, was entitled under a settlement to a reversionary interest of 10,000*l.*; the duty he would have to pay on that settled reversionary interest would, according to this Bill, amount to 1,000*l.* Twenty years ago he sold that reversionary interest for 8,000*l.*, or whatever might be its value at the time. Well, this Bill comes into operation. The creditor succeeds nominally to the 10,000*l.*, but he would actually have deducted 1,000*l.* from the security, in the shape of a succession tax, by the retrospective operation of this clause.

MR. MULLINGS said, he also opposed the clause, and he fully coincided in the opinion expressed by the right hon. Gentleman (Mr. Walpole), that it was contrary to all rules and principles of equity without notice to deprive individuals of rights to which they were entitled. If the Bill were to pass in its present shape, it would be the grossest act of injustice that he had ever witnessed in the whole course of his professional experience.

The SOLICITOR GENERAL: By the 14th clause, as he had previously stated, it would be seen that, where there had been an alienation or assignment of property antecedently to the Act coming into operation, then the person becoming alienee, or purchaser, would have to pay the duty. Where the encumbrance was created subsequently to the Act coming into operation, then the successor would have to pay it, because he would have the benefit of the charge.

MR. WALPOLE said, the remarks of the hon. and learned Gentleman just confirmed his observation, that when he came into possession the alienee was to pay the duty which the person entitled to the succession would have to pay had he made no alienation. If the reversionary interest was absorbed in the amount of security which the creditor had taken, he would have to pay that duty which the successor would have to pay had there been no charge created.

MR. HENLEY said, the result of the clause was this—if a man sold all his interest, he would pay nothing; but if he sold or alienated three-fourths, he would have to pay on the whole. He regarded this as a very great straining of the law.

MR. J. PHILLIMORE said, he would suggest that the clause should be reconsidered.

The SOLICITOR GENERAL said, that the 14th clause had been passed without complaint, which enacted that an alienee, or purchaser, should stand in the shoes of the vendor or alienor. This clause met the case, but the Amendment really went against the whole principle of the Bill. Pass the Amendment, and the operation of the Bill would be postponed indefinitely, or, at least, they would have to wait for any benefit from it for another generation.

MR. WALPOLE said, he could not assent to that construction of his Amendment. His object was to make a distinction between charges and incumbrances created before the passing of this Bill, and charges and incumbrances created after. He agreed that in the case of those created subsequently to the passing of the Bill, where the successor had the benefit of the charge, it was reasonable that no allowance should be made in respect thereof; but where the charge was created prior to the passing of the Bill, the successor derived no benefit from it at all. The injury in the case he had supposed was not to the successor, but to the creditor. The hon. and learned Solicitor General had referred the Committee to the 14th clause; but that clause related to alienations, the one under discussion to mortgages or incumbrances. And if the clause were altered in the manner he had suggested, it would not in the least interfere with the principle of the Bill. He objected to the clause on the ground that it affected the security of the creditor. For, suppose a reversionary interest in the equity of redemption of land was mortgaged by the person entitled thereto to the extent of its full value, the effect of the clause as it stood would be that when the reversionary interest became an interest in possession, the person who took it in the character of a mortgagee, having previously given the full value for it, would be also required to pay in addition to that a duty of 10 per cent. It was for that reason, then, he contended that the operation of the clause would be unjust.

The CHANCELLOR OF THE EXCHEQUER said, the 14th clause met the case of the alienee. And the case dwelt upon by his right hon. Friend (Mr. Walpole) was that of a mortgagee, where the succession had been mortgaged up to its full value, and the mortgagee took possession in order to recover the amount of the debt. If that were the view of his right hon. Friend, it appeared to him (the Chancellor of the Exchequer) that he ought to have exercised himself in framing a provision to meet the case of the mortgagee.

MR. WALPOLE: That would be done by the insertion of the words he had suggested.

The CHANCELLOR OF THE EXCHEQUER: He must object to that view of the Amendment; instead of it, his right hon. Friend proposed the insertion of words which would exempt from the operation of the Bill all incumbrances created or incurred by a successor prior to the time appointed for the commencement of the Act. Consequently, he would not only exempt the mortgagee, but succession in regard to incumbrances. The clause as it stood was precisely analogous to preceding legislation. His right hon. Friend said, however, that it affected the security of the creditor. But when they passed the income tax, did they affect the security of the creditor? Did they affect his security when they renewed that Act? Or did they affect it when that Act was again passed a few days ago? The fact was, that the principle of the clause was exactly the same as that on which they passed the Income Tax Act.

MR. MULLINGS said, that when the 14th clause was before the Committee, he objected to it on grounds similar to those taken by his right hon. Friend (Mr. Walpole) against the present clause, and the right hon. Gentleman (the Chancellor of the Exchequer) promised to reconsider it. He would now move, as an Amendment, that the words "after the time appointed for the commencement of this Act" be added to the clause under consideration.

Amendment proposed, in p. 11, l. 15, after the word "Successor," to insert the words "after the time appointed for the commencement of this Act."

MR. MALINS said, he should support the Amendment. The principle of the law was, that a man should pay on what he came into. By the clause he would have to pay on what he did not inherit.

VISCOUNT MONCK said, he should oppose the Amendment. The House had already decided that the person succeeding should pay succession duty on the full value of the inheritance. The mortgagee would be only placed in a similar position. The House had already sanctioned the principle of the clause.

MR. HENLEY said, he would suggest the case of a son joining his father in borrowing 30,000*l*. Upon the father's death he would have to pay the duty, though he would have derived no benefit from the incumbrance.

MR. HEADLAM said, the man who would practically have to pay was not the mortgagee, but his successor. A good deal had been said about persons who were parties to incumbrances before they came into possession of an estate being called on to pay; but why should men escape payment merely because they had incurred debts? He did not think there was any hardship in taxing a successor upon the whole amount of the succession—say 10,000*l*.—even supposing he had borrowed 5,000*l*., and spent it, because he would acquire the beneficial interest of 10,000*l*., being discharged from the incumbrance he had created. If the Amendment were adopted, it would interfere with the whole principle of the Bill.

SIR JOHN PAKINGTON said, he considered that the question whether the Amendment was founded upon justice, was more important than whether it would interfere with the principle of the Bill. He contended that it was founded on the strictest justice. In the case of property encumbered nearly to its full value, the tax was made a first charge, and must be paid before the mortgagee could realise his security. Though in point of form the successor would pay the duty, it would in fact come out of the pocket of the mortgagee, who had had no notice of such a claim, and could not, by limiting his advances, have guarded against it. A son joining his father in raising money—not an uncommon case—on the property, would, as the clause stood, pay succession tax on the sums in which he had so joined, and from which he had derived no benefit. Those were cases of gross injustice, and ought to be provided for by an alteration of the clause.

MR. MALINS said, that it would be in the highest degree unjust to tax a man upon that which he did not receive. A case might occur in which a son, after having joined his father in an incumbrance, would enter upon the nominal possession of 100,000*l*. a year, whereas he might not receive more than 10,000*l*. or 1,000*l*. a year. Would it be justifiable in such a case to tax him upon the whole of his nominal revenue?

The CHANCELLOR OF THE EXCHEQUER said, if the hon. and learned Gentleman would undertake to provide an assembly of human legislators with the means of so framing laws that they could in every case digest the operation of each provision according to the moral excellence or the demerit of the transaction to which it applied, he should be happy to meet the hon. and learned Gentleman, and make any amendment in this Bill. But they could only proceed on broad, clear, simple and intelligible rules; and, proceeding on such rules, the provision in the clause as it stood was not only conformable to precedent, but far more conformable to justice. Could anything be more exceptional than the case instanced? It was one case in a hundred. It was the case of money thrown away by an incumbrancer; and, if not an exceptional case, tended to prove that there was a great tendency among the higher classes to live beyond their means. But were they to legislate with tenderness in relation to such cases? The hon. and learned Gentleman might think that those who acceded to the tendency ought to have special favour from the Legislature; but he was of a different opinion. The doctrine was that allowance should be made for incumbrances prior to the passing of this Act. Suppose the case of a man who had raised money on his personal security. [MR. MALINS: They cannot get it.] They did get it. It was notorious they got it; but not to so large an amount. What did it signify whether, on coming into the succession, the successor owed 10,000*l.* on mortgage, or 10,000*l.* to his banker, who had advanced the money on personal security only, knowing that he was heir to the property—would they provide for one of those cases, and not for the other? Would they make an exemption for those who displayed the greatest desire for money which they did not possess, and show no consideration for those who raised more moderate sums on personal security? If they wished to be consistent, they must carry the principle further, and enact that all incumbrances whatever antecedent to coming into the succession should be legitimate ground for deduction; and what would be the justice of such a proposition he left it to the hon. and learned Gentleman to judge.

MR. MALINS said, it was very uncommon for a man with landed property to get money on mere personal security, and the cases were so few, he should be quite content to let them take their chance. To meet the justice of all cases was out of the question; but he had pointed out a case which every gentleman knew existed; and by an *ex post facto* law to charge a man succession duty on a vast estate which by undue influence he had passed away, could be characterised as nothing less than a monstrous injustice.

MR. HENLEY said, he would instance the case of a man owing 10,000*l*, and succeeding to property, being only required to pay probate and legacy duty on the residue after discharging his debts.

The CHANCELLOR OF THE EXCHEQUER said, he must remind the right hon. Gentleman there was no such case; that legacy duty was paid regardless of the successor's debts, the deductions being only on the debts of the testator.

MR. HENLEY said, the case of the right hon. Gentleman rested on a narrow basis. It was unjust to make a man pay on that to which he did not succeed.

MR. BARROW said, the question was, whether a man was to pay two taxes upon an estate, or one.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 116; Noes 124; Majority 8.

MR. WALPOLE said, he must call upon the Committee to take care of what it did in making a person pay a tax upon what he never inherited. He considered that the cases which had been offered as illustrative of the question, were exceptional cases, not the rule. By the operation of this cause, creditors would be deprived of their security, and successors would be taxed for that which they might never receive. He felt so strongly and so deeply the gross injustice of the contemplated proceeding, that he challenged the right hon. and learned Gentlemen opposite, even after the vote that had just been given, to say whether they would still adhere to the clause, the injustice of which he had described not in colours too strong.

The CHANCELLOR OF THE EXCHEQUER said, he did not know whether the right hon. Gentleman was irregular in his remarks in insisting on the resumption of a debate on a point already rejected by the Committee, or whether he was out of order in rising to notice them. He should, however, make a formal Motion in order that he might say a few words. He should, therefore, move that the clause stand part of the Bill. The course of the right hon. Gentleman was certainly irregular, because the Amendment having already been rejected by the Committee, the purpose of the right hon. Gentleman was by an indirect mode to procure a resumption of the debate. It was no use having rules for the guidance of that House unless they were adhered to; for when parties were defeated by a division, they should acquiesce in their defeat until a legitimate opportunity occurred of reviving the question. In the present case the Amendment had a general operation. It not only covered particular classes of cases to which reference had been made, but it took in other cases of quite a different character. The right hon. Gentleman had been invited to frame a clause to meet his object; but he preferred to bring forward an Amendment of a general character, which Amendment it was his (the Chancellor of the Exchequer's) duty to oppose, not only because it would have been unjust in its operation, but because it was opposed to the principle of the Bill. He would not at that time enter into the matter, but he would challenge the right hon. Gentleman to make good the proposition he had incautiously let drop, that in passing taxing Bills they were to be considered to have only a prospective operation. In reply to that he would merely say that Customs and Excise Bills had generally a retroactive operation. He had now answered the right hon. Gentleman as far as the rules of that House would permit. To meet an objection raised on a former evening by the right hon. Baronet the Member for Droitwich, he proposed to insert after the words "an allowance shall be made in respect of all other incumbrances," the following words:—

> "And also in respect of any money which the successor may have previously to his succession laid out in substantial repairs, or in the permanent improvement of the real property comprised in his succession."

Sir JOHN PAKINGTON said, that the words would quite meet the cases he had pointed out. He would now say a word or two in reference to the right hon. Gentleman's remarks on what had fallen from his (Sir J. Pakington's) right hon. Friend (Mr. Walpole) who had been challenged to show that taxing bills had only a retrospective effect. The right hon. Gentleman the Chancellor of the Exchequer was right as to the letter, but his right hon. Friend was right as the spirit of the law. It was true that Customs and Excise Bills were partially retroactive, for they generally went back a few months or so; but that was very different from this Bill, which went back four years, and thus became really an *ex post facto* law.

Motion made, and Question put, "That the clause, as amended, stand part of the Bill.

The Committee *divided:*—Ayes 108; Noes 92: Majority 16.

Clause, as amended, *agreed to.*

Clauses 34 to 38 inclusive *agreed to.*

Clause 39 (Gives power to the Commissioners to receive duty in advance).

Mr. PHILIPPS said, he must beg to express a hope that means would be adopted to make the Commissioners more liberal in their conduct in cases of repayment where too much duty had been paid to them.

Mr. HADFIELD said, it was derogatory to the character of the Government to allow the illiberal practice of compelling parties administering to an estate to pay the amount of duty without the debts having been first deducted, especially when the difficulty of getting the overplus back was so great.

The CHANCELLOR of the EXCHEQUER said, the objection of the hon. Member for Sheffield (Mr. Hadfield) and of the hon. Member for Haverfordwest (Mr. Philipps) applied to the Probate Duties Bill, and not to the present. It was impossible for him in the present Session to undertake the reform of the probate duties; but whenever it was undertaken, he thought the House would find the reform would lead to the diminution of the duty, and not an increase, and that there would consequently be a loss to the revenue, The repayment of duty was always a difficult and vexatious matter, and it was absolutely necessary to fence it about with careful restrictions. The true principle was, to make those repayments as rare as possible, and upon that principle this Bill proceeded.

Clause *agreed to;* as was also Clause 40.

Clause 41 (The duty on successions shall be a first charge on the succession, and a debt to the Crown from the successor).

Mr. MULLINGS moved the insertion of the words "simple contract," with the view of making the duty not a Crown debt, but one of simple contract.

The SOLICITOR GENERAL said, he thought the hon. Member would gain nothing by the insertion of the words, because the remedy for enforcing payment of the duty due to the Crown would remain precisely the same, if the words were inserted as it now was.

MR. G. BUTT said, he must complain of the clause, which, he contended, would operate injuriously on property.

MR. HENLEY said, the present claus and the forty-third must be considered together. No doubt the Crown ought to have a remedy in the first instance against the property, and therefore it would be proper to give a remedy against the party in enjoyment of the property. But care ought to be taken not to affect persons in the position of trustees, who had little or nothing to do with the property. In the cutting down of timber, and many other cases, there would be a continual liability. He trusted the Government would place the matter on a more satisfactory footing, and limit the tax in such a way as not to embarrass trustees in dealing with property.

The SOLICITOR GENERAL said, there would be great difficulty in introducing words rendering trustees liable only to the extent of the property actually received by them. Power was given to a successor to pay off the whole debt at once, in return for which he would receive a certain discount.

SIR W. JOLLIFFE said, he objected to the clause, which, he contended, would completely change our social relations with regard to trustees and persons undertaking the charge of property. It would oblige persons to sell property, and disable them from making a title.

The CHANCELLOR OF THE EXCHEQUER said, that if the debt was not made a tax on the property, it would be placed on a different footing from any other tax.

MR. MULLINGS said, as there was an express charge on the amount of succession, he did not see why the party should be made a specialty debtor, and prevented from selling a portion of his property until he had paid the Crown duty. If the words which he had proposed should be inserted, every security would be given which the Crown could desire. His proposition did not at all interfere with the charge on the successor.

The SOLICITOR GENERAL said, this duty when due to the Crown would not affect any lands, whether they were the lands of the successor in respect of which the duty was paid, or whether they were other lands, until the debt should be entered in conformity with the Statute. But it was quite right that the money going to the successor should affect the whole of the property until the debt was paid. It would not affect the mode of discharging the debt, provided the successor should be desirous of selling or mortgaging a portion of his land.

SIR FITZROY KELLY said, he must complain that the effect of the clause as it stood would be to charge the duty, not only on the lands to which the charge properly attached, but to all lands whatever in which the successor, however slightly, was interested. He thought it was sufficient that the duty should be charged upon the lands only to which it attached, and that other lands should be exempted.

The CHANCELLOR OF THE EXCHEQUER said, the operation of this clause would be to place a debt in respect to the succession duty on precisely the same footing with every other debt which a person was liable to pay. Was it the opinion of the hon. and learned Gentleman that there ought to be one kind of debt due to the Crown in respect of the succession duty, and another debt due to the Crown in respect of all other taxes? It appeared to him that the only just course to take was to place this duty on the same ground as all other duties.

SIR JOHN TROLLOPE said, the right hon. Gentleman was himself establishing a new set of Crown debtors, which did not before exist. Under the legacy duty they attached the property; in the present case they also attached the property, and that however extended or however limited it might be. The consequence as regarded real property would be that they would put an effectual bar upon the sale of real property if this charge were once registered as a debt due to the Crown. The hon. and learned Solicitor General said they would get rid of the charge by paying the debt. But a small proprietor could in many cases only pay the debt by selling the estate, while this Act would operate as an effectual bar to the sale.

The CHANCELLOR OF THE EXCHEQUER said, under the legacy duty the charge on personal property attached the whole property of which a party might be possessed, and this clause only enacted the same principle with respect to real property.

MR. MALINS said, he wished to state

that personal property was generally conveyed through the hands of trustees, and before the amount was handed over to the successor the legacy duty was deducted. But it was not so with regard to real estate. In making the duty a first charge upon the estate, however, the Chancellor of the Exchequer had a security which was upon an average fifty times the value of the debt; and yet, not satisfied with that, the right hon. Gentleman sought to make it a further charge upon all the lands which a successor might hold, thereby introducing a new inconvenience into the succession and transfer of real property which did not before exist. The tax was odious enough already, and there was no need for making it more disagreeable than the security of the duty demanded; but the Chancellor of the Exchequer exhibited as much tenacity for these clauses as if he had spent the last ten years of his life in drawing them out, and had become enamoured of every word.

Mr. W. WILLIAMS ridiculed the hardships which hon. Gentlemen opposite were conjuring up. Why, an estate of 70,000*l.* a year would only on an average pay 100*l.* under this tax, and the successor would have four and a half years to pay it in. He thought hon. Gentlemen opposite were already too well cared for.

The SOLICITOR GENERAL said, he must point out that the Amendments proposed would not remedy the inconvenience complained of; and he proposed that without altering the clause the following proviso should be added, which would meet, he thought, the views of hon. Gentlemen:—"But such duty shall not charge or affect any other property of the successor than the real property comprised in such succession."

Proviso *agreed to.*

Amendment *withdrawn.*

Clause, as amended, *agreed to;* as was also Clause 42.

Clause 43 (What persons accountable for duty).

The SOLICITOR GENERAL said, that in consequence of the observations made on a former evening he had directed his attention to this subject. He proposed to insert the word "personally" before the words "accountable in respect of any succession," and to omit the words "or with their concurrence." He also proposed to insert the words "wilful default." The effect of these alterations would be to make the trustees personally liable, and limit their liability to property actually received, or which might be received by them. The liability of the trustee under this clause would now be the same as that of an executor or administrator, which was limited to the extent of the property which he actually received to answer to the legacy duty.

Mr. WALPOLE said, that his objection to this clause was, that the operation of the new law would destroy the system of trusts in this country. He denied that the case of the trustee under this Act would resemble that of the executor, who was now liable to legacy duty. If a man now died possessed of property, he left an executor or administrator. The property was easily ascertained; the executor or administrator became the sole owner, the persons who were responsible were known, and the duty was paid down at the time in all cases except where property was given to one person for life and to another in succession, and then time was given for the payment of the duty. But nothing was so much complained of as the deferred payment of duty in respect of personal property taken in succession. In the case, however, of succession duty payable under this Act, how were they to ascertain who was to come to the property? How were they to find out who was the accounting party? In many cases it would be hard to know the value of the property in respect of which duty was to be paid, or who were the persons to account for it, or the property to be accounted for; and when the persons to account and the property were discovered, it would sometimes be difficult to find who were the successors. In the case of a settled realty or personalty left to a person, with remainder to others, part upon lease and part charged with jointures, the trustees would be bound to account whenever any charge fell in, when any leases fell in; in fact, the trustee would, under this system, be an accounting party all his life. The property would thus be perpetually the subject of account to the Exchequer. A mortgage, as he called this tax, would be placed on all the property in the kingdom, to be perpetually paid off and perpetually renewed. By the working of this Bill, under the 48th clause, the Commissioners appointed to levy and assess this tax would have to examine the parties who were called accountable parties, and, if necessary, to search into their papers and documents; but such a course of proceeding could only be adopted when it was discovered who the accountable parties were; and, even then, it appeared to him that the system would be found so oppressive that it would not be possible to continue it. Trustees were bound under penalties to account, and that would fall very heavily upon them. Suppose the case of a person dying with property of different descriptions in different parts of the kingdom, and with trustees, one for one portion of the property and another for another, living in different parts of the kingdom. Now these parties would be accountable at the time that the duty became payable, and every trustee would have to find whether he was accountable or not, also the condition of the property and every atom of accountable duty in respect of additional value. He would ask, was it at all probable that in future any person would be induced to accept a trust under a system productive of such great inconvenience? The operation of this Act would be found so oppressive that persons would throw up the trust, and decline ever again accepting another, or they would be driven to put it into the hands of a solicitor, who would have to pay the duties as they became due; so that in addition to the tax the operation of this Bill would be to compel persons to incur a lawyer's bill for a series of years, to which no one could see an end, or else to put a stop to the present system of trusts in this country. The hon. Member for Lambeth (Mr. W. Williams) appeared to think that this measure pressed most upon the large holders of real property; but in point of fact it was the poorer landed proprietors, the "statesmen," as they were called in Westmoreland and Cumberland, the coparcenors in Lincolnshire, or yeomen in the southern counties, on whom this tax would fall most severely. They would have all the vexation and the increased expense, and the Committee might be satisfied that it was not the rich landed proprietors who would be the real sufferers, but the hard-working portion of the agricultural body. With regard to personalty, one-half of the property in the funds was held in trust, and there were 280,000 persons receiving dividends, out of which number 250,000 received dividends under 150*l.* a year, of which property half was held in trust, so that now persons would have to pay this tax with a less amount of income than would fall under the operation of the income tax; or, in other words, the capital of persons producing too small an income to be liable to the income tax, would be taxed by this measure. They were, in fact, by the operation of this Bill, taxing the capital of a person's property while they would not venture to tax his income. Unless they could find some mode of protecting a trustee from all the liabilities to which he would be subject, and unless the tax was paid when it fell due, one of two things would happen—either the trust would be flung up and their trust system destroyed, or, if that did not take place, an enormous amount of lawyers' bills would be run up in attempts to relieve trustees of those liabilities. He would, under those circumstances, suggest, though he had little hope that it would altogether obviate the objection he had to the clause, that they should in all cases tax the person who was the beneficial recipient of the profits of any succession, and not in any case the mere trustee. The measure seemed to him to be one of a very objectionable character, and he pointed out what appeared to him to be serious inconveniences, with a sincere desire that the Government would take the matter into consideration, and with a belief that if alterations were not introduced, in ten years from that time its operation would be found so vexatious, that, however popular it might seem now to carry this measure, it would then be looked upon as most oppressive.

Mr. W. WILLIAMS said, he thought that the difficulty entertained by the right hon. Gentleman might be removed on a common principle of mercantile transactions. He objected to the system of allowing four years and a half credit for payment of succession duty on land, while that upon personalty was to be paid within twenty-one days under certain fixed penalties. If, however, the House were determined to bestow the advantage of four years and a half credit on successions to realty, he imagined that the objection of the right hon. Gentleman could be removed by the introduction of a common principle. All commercial transactions in this country were based upon a system of credit; but it was always understood that if a person paid ready money he received discount. Now that principle could be easily applied to the present case. If a person had the choice of paying ready money and receiving a reduction, instead of being compelled to extend the payment over a term of years, it seemed to him that the difficulty would be removed with regard to the "statesmen" of Westmoreland and Cumberland. He did not consider that the tax would fall upon them with any peculiar hardship. A man possessing an estate worth 1,000*l.*, was quite able to pay the duty imposed by this Bill.

The CHANCELLOR OF THE EXCHEQUER said, that if all the evils anticipated by the right hon. Gentleman (Mr. Walpole) were to attend the working of this Bill, they would bring their own cure, for they would infallibly lead to its repeal; but he did not think any good or valid ground had been shown for these apprehensions. The right hon. Gentleman had certainly shown that difficulties attached to the working of that Bill which did not attach to a legacy duty, imposed as it was upon property of which they became cognisant through the medium of wills and administrations. It was quite true that in this case they did not know the persons who were to account for the property, nor those who were to enjoy the property. The question whether the machinery of this Bill was sufficient, and whether, if sufficient, it was harsh, might arise more properly under the subsequent clauses. There were two methods, either of which Parliament might adopt. They might go upon one or more of the parties connected with the property, and get at the nature and amount of the succession through the medium of those parties; or they might look to the property, and lay the tax upon it, leaving the persons to show themselves or not, as they pleased. They followed the first plan with respect to the legacy duty—the second with respect to the income tax, speaking generally; for in general they had no occasion to call upon persons for returns, but they looked to the property, in many instances taking no cognisance whatever of the owners. Under the present Bill they would not adopt the latter course. As to certain descriptions of property, in the income tax, they were obliged to go to individuals and call on them for returns; and that would have been the case in the succession duty, if they had adopted that principle. But it would not have been wise or equitable to adopt that principle in regard to those great matters of property which it was in their power to get at, especially all real and visible property, the funds and public securities and shares in public companies. Had they adopted that course of proceeding, and gone upon the property, the assessment must, in the first instance, have been made upon the gross value, irrespective of incumbrances and irrespective of divisions of interests. An assessment upon the gross value was liable to this great and fatal objection; it would have been necessary to have a system of minute investigation, and of return of duty, fenced about with all the jealous hindrances that were required to secure the revenue in cases where a return of duty was sought. In the case of a person dying possessed of estates in different counties, besides personalty, debts, &c., it might be said, that, as the estates were known to be his property, the tax might be levied from the occupiers, giving them power to deduct, as under the income tax. But, had they taken that course, they would have obliged the person succeeding to that property, even if it were an undivided succession, to come to London to exhibit the state of his affairs, to state the deductions he claimed, and the incumbrances affecting the property, and then to get his returns as he could. It was perfectly plain that that process would have been a most vexatious one, and would have ended, as it did in the income tax, in levying a larger percentage than the tax nominally and professedly imposed. But if they were not to go directly upon the property, to whom were they to go? The right hon. Gentleman had almost answered his own suggestion of going to the successor; for he said they did not know the successor; and though in many cases they might know the principal successor, still they might not know the subordinate successors, or those taking subordinate interests, or even idedendent interests. Generally speaking, there was but one person who would be cognisant of all the successions and all the parties—the trustee or trustees; they were the only parties who could be looked to as being in possession of complete knowledge of the successors who were to take beneficial interests. The successor under a settlement might know nothing of that document; it was not ordinarily in his possession or command. They followed the analogy of the Legacy Duty Act, and trustees under settlement would occupy the same position as trustees under testamentary disposition. So much with respect to the question of whether they should go upon the property or on the persons connected with it in some way or other. Then, with respect to the other objection, that the case of trustees would be one of so much anxiety, responsibility, and liability, that no one would be found to undertake the duty, he did not think that the burden thrown upon trustees by this Bill would be greater than it was under laws already imposed. Indeed, trustees under this clause would have less responsibility than they had under existing laws. With regard to the small holders in the funds, they were secured already; and it was only the large ones who might devise the means of escaping the tax. With regard to trustees to landed settlements, they would be placed in a more favourable position than were trustees now under the Legacy Duty Act. The great bulk of trusts created under landed settlement were trusts for uses—that was to say, trusts with regard to which the trustees to settled estates had no power to raise money or receive rents; and if they had no power to receive rents, their liability under the clause would be very light indeed. If so, the dangers suggested by the right hon. Member for Midhurst were quite imaginary. The clause assimilated the case of the trustees to settled property to that of trustees under the Legacy Duty Act; and where they differed, the difference was in favour of trustees to settled property.

MR. BARROW said, that being a trustee himself, and knowing the difference between trusteeship of real property and executorship under a will, where the legacy duty could be paid without any difficulty, he must protest against the injustice which by an *ex post facto* law rendered trustees responsible in the manner proposed—that was to say, responsible for penalties accruing month by month, and day by day, in cases in which it was impossible they could be aware of their liability. He was satisfied that no justice could be done except by taking the course which the right hon. Gentleman (Mr. Walpole) had suggested, and giving up the idea of making existing trustees responsible at all under this Bill. Unless they really anticipated that the abundance of successions was to be such as to exhaust the property altogether, why would not the property be sufficient without involving in the liability the parties who happened to be trustees? He wished he could console himself with the hint thrown out by the right hon. Gentleman, that trustees would throw up their trusts. He feared, however, that they would not be able to get the trusts off their hands; and, under these circumstances, he should vote against the clause.

MR. MALINS said, he thought it should be a part of the functions of the trustees to pay this duty over to the Crown; but it was of importance that greater responsibility should not be thrown upon them than was necessary. He would suggest, therefore, that the trustees should be made answerable only for the money which was actually received or disposed of by them.

The SOLICITOR GENERAL said, that the clause, as worded, was to be prospective in its operation. It was only intended that the amount of trust property actually possessed by, and actually passing through the hands of, trustees, should impose upon them, as they received the property with one hand, the obligation of paying the duty with the other.

MR. HENLEY said, he wished to know, if, in case it became difficult to ascertain what was the exact sum which an inheritor ought to be called upon to pay, and that being willing, therefore, to commute the tax for a fixed sum, if he should raise money for such a purpose, would the consequent mortgage take precedency of all the other charges?

The SOLICITOR GENERAL: Of course it could not take priority of charges which descended to the inheritor as incumbrances.

Clause *agreed to.*

Clause 44 (Notice of Succession to be given to the Commissioners, and a Return of the property made).

MR. MULLINGS said, he had an Amendment which he wished to propose to this clause. The fact was, if there was a right of appeal supposed by the clause, it must turn out quite nugatory to the case of all small proprietors. He knew a case where a farmer had left 100*l.* to be divided amongst the poor of his district, which would amount on distribution to 17*s.* for each family. However, the Commissioners had stepped in, and diminished the bequest by 10*l.*, which they had no right whatever to do, and though every effort was made to obtain redress, yet nothing could be ever effected against the dictum of the Commissioners.

Amendment proposed, in page 14, line 39, to leave out from the word "provided" to the word "and," in page 15, line 4.

The CHANCELLOR OF THE EXCHEQUER said, if the words were struck out, no hold whatever could be had on inheritors against giving in a wrong estimate. Under the clause, the whole proceedings were subject to an appeal, and the only proper question to be raised was, whether effectual provision had been made for that appeal.

MR. HENLEY said, he thought that any appeal at all would be most difficult.

Sir JOHN PAKINGTON said, he thought they should receive more explanation respecting this clause. It was a clause upon which he looked with great alarm, and which would operate most oppressively upon the whole of the country. He wished to know how the small proprietors with incomes under 150*l.* and 200*l.* a year, were to proceed under this clause? It seemed to him that there could be no greater delusion than that put forward by the hon. Member for Lambeth (Mr. W. Williams), that the wealthier classes would alone be affected by this Bill. Now, he (Sir J. Pakington), on the contrary, regarded it as a Bill essentially burdening the comparatively humble classes — the small proprietors of the country. Why, what son or what brother amongst our small holders of property would be willing to face all the difficulties of this clause? In addition to the burden of the tax itself, they were inevitably imposing another and more serious one in the shape of law expenses and lawyers' bills, which must devolve upon every small proprietor who paid succession duties. He felt that they ought to have from the right hon. Gentleman the Chancellor of the Exchequer something more definite as to the party by whom the expenses attendant on all these proceedings was to be borne. Looking to the humbler classes it was impossible to deny that there would be an immense temptation in their way to send in a return of the smallest possible amount. That would involve a constant struggle between those small proprietors on succession to their holdings, and the officers of the Stamp Office. In many instances, he admitted, it would be inconsistent with the duty of those officers to accept the estimates that would probably be sent to them, and they must cause an estimate to be taken by any person or persons they chose. Now, surely, they might expect to have some explanation as to who was to bear all the expense of the consequent appeals to the Court of Exchequer.

The CHANCELLOR of the EXCHEQUER said, he thought the right hon. Gentleman must forget that the holders of leases for years were at present liable to this tax, and also to the probate duty, which was a more cruel tax, because it was a tax which the party was obliged to pay on the gross amount of the inheritance, and afterwards get repayment as he could. He was not going to repeat the same severity in the provisions of this Bill as regarded freeholders. He put them under infinitely more favourable circumstances than those under which the leaseholders had been obliged to remain without any person to vindicate their cause. If the appeal to the Court of Exchequer was deemed unsatisfactory, he was ready to consider, with Gentlemen opposite, how they could make the appeal more satisfactory for the relief of the parties. But the question here was not as to the appeal at all, but as to whether they should have power to call upon the parties for an account: and in the event of their rendering an account that was unsatisfactory, and the Government officials causing necessarily another account to be made, and the parties not appealing against the account, then there should be a discretion to charge them with a whole or part of the costs. That was not, he thought, a measure which deserved to be spoken of as it had been spoken of by the right hon. Gentleman.

Mr. HENLEY said, he, however, complained of the stringency of the clause, which made it compulsory on the party either to appeal or to pay. There might be a very trifling addition to the value. Suppose the return made were 1,000*l.*, and the Commissioners' valuer should say it was 1,000*l.* 5*s.* 6*d.*, then the expenses must be paid by the party who was liable to the duty. It was very seldom that any two valuers could come to the same estimate. In that case the Commissioners would say, "We must have costs." He did not think that would be just. If the Commissioners chose to have a fresh valuation, let them have it, and let them pay the expense of it.

Sir THOMAS ACLAND said, he begged to suggest that the charge of the revaluation by the Commissioners should not be made on the party unless the estimate returned by the party should be exceeded by the Commissioners' valuer by 10 per cent. If the value returned were only exceeded by a small amount, he thought it would be rather hard that the par should be subject to be charged with th expense of a revaluation.

The CHANCELLOR of the EXCHEQUER said, he was sorry to say he could not conscientiously accede to that Amendment. What they wanted was, not to make the party liable to render an account responsible for casual errors that lay beyond the reach of ordinary prudence to avoid, but to get an account from him that would be perfectly *bonâ fide;* that was the object of the clause. He did not think the mild and moderate working of the measure would depend so much upon what was done in that House, as the state of society in the country, and the whole tone of public opinion with respect to the case of abuse. Those who had read the Income Tax and Legacy Duty Acts could come to some conclusion as to what the course adopted would be. Where a party was chargeable with the want of a *bonâ fide* intention, or of common prudence, he would be liable to pay the expenses; but in another case he would not be liable.

SIR FITZROY KELLY said, he desired to facilitate the very critical task which the right hon. Gentleman had undertaken, by so shaping the clause that it would give security for the protection of the revenue, and fall at the same time with as little severity as possible on those who would be affected by it. The clause required all persons accountable for the payment of the duty to make a return of their liability to duty. He thought it was not necessary to require all the parties to make such a return. In the first instance, not only the successor was called upon, but all the trustees and *cestuique* trusts were liable to duty. Now, the successor would not be liable; it would be the trustee; but here you called not only the successor, but all the trustees, to account for their liability. He begged to direct the attention of the Committee to the difficulty of making a perfectly accurate valuation, and to the hardship to which persons would be exposed by this clause by being put to great expense if they put on their property a valuation of which the Commissioners should not approve. Upon an account being delivered in, the Commissioners were empowered, if dissatisfied with it, to direct an account to be taken by persons appointed by themselves. Valuers of the Government would be men eminent in their profession, and therefore their charges would be extremely large and expensive; and if their valuation exceeded the valuation of the successor, though he might have estimated it *bonâ fide,* and to the best of his ability, the whole expense would be thrown on the successor. He took it for granted the Commissioners would have competent valuers, and if they were dissatisfied they might direct the valuers to make a report. On that report they might give notice to the successor stating the grounds why they were dissatisfied with his valuation; and if they could not agree amicably, then the Commissioners should have the power to surcharge, with an appeal to some competent and inexpensive tribunal, and if the Court of Appeal found the successor to be substantially right, he ought to be entitled against the Government to the expenses of the inquiry. He threw this out for the consideration of the right hon. Gentleman opposite; and if he did not mitigate the evils at some future stage, he should take the sense of the House upon the question.

The CHANCELLOR OF THE EXCHEQUER said, he believed the party was perfectly secure in that respect. Surely it could not be supposed that there was such a wasteful, profligate, and absurd expenditure of public money that they would surcharge persons who had made a *bonâ fide* return in spite of correction; for, if there were such cases, the judgment of the Court of Appeal would prevent their recurrence. What was the provision of the law now in an analogous case? In the 22nd section of the 33rd *Geo.* III., the provision was, that if the Commissioners of Stamps were not satisfied with the valuation of the party, they might cause another valuation to be made; and if not appealed against, the duty would be paid according to such valuation; and if the duty assessed should exceed the duty offered and refused by the Commissioners, the expense of such appraisement should be borne by the persons by whom the duty was payable. That was precisely the case in question, where the valuation exceeded the duty offered to and refused by the Commissioners; and if the case was justified, this Bill provided that they might assess all charges on the party, subject to the review of an impartial tribunal.

MR. HENLEY said, he did not think the case under the legacy duty was at all analogous, because the valuation of personal property was made by sworn appraisers, funded property by the price of funds at the time, and capital at the given sum. In those cases the parties could hardly make an improper return; but here the value of the property was indefinite, it not being stated whether it was the annual value or the fee-simple. The appeals to the income tax and assessed taxes had been cited; but in those cases the parties surcharged were not called on to pay the expenses of the appeals.

Mr. PHILIPPS said, he professed great horror of all valuations. They bore as near relation to the actual value as the eulogies on a tombstone to the real merits of the departed.

Sir FITZROY KELLY reiterated his opinion of the injustice of charging the expenses of valuation, even though the party might be willing to pay the corrected amount demanded by the Government. He was at a loss to know where any precedent could be found for such a provision.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:* — Ayes 164; Noes 139: Majority 25.

Clause *agreed to.*

Clause 45 (Imposing a penalty of 10 per cent per month upon the duty payable for not giving notice of a succession).

Mr. MULLINGS said, he objected that the clause did not sufficiently define the period after which, or the circumstances under which, the default to be punished by the infliction of this penalty should be understood to have taken place.

The CHANCELLOR of the EXCHEQUER said, that he could not conceive a more distinct definition of the circumstances under which this default should be taken to have occurred than was contained in the 44th clause. That clause, it was true, did not define the period at which default should be taken to have occurred, but it clearly defined the circumstances necessary to constitute it.

Sir FITZROY KELLY said, he believed that so complicated and onerous were the requisitions made by this Bill, that if these clauses were retained in their present form, every man who was liable to pay succession duty for real estate would inevitably become liable to a penalty. He believed that this was one of the most tyrannical measures that were ever brought before that House.

Sir WILLIAM JOLLIFFE said, it would be impossible in many cases to comply with the requirements of the clause in respect to the returns, and within the prescribed period. He hoped the right hon. Gentleman would postpone the clause.

Mr. HENLEY said, he fully concurred in the objection to the period within which the returns were to be made. He thought it was an unreasonably short time.

The SOLICITOR GENERAL said, that a person liable to the payment of any duty on real property succession, would, in the first instance, have a twelvemonth in which to make a return of the sum to which he was liable. If he did not, he would be liable to a penalty. It would then be for the Commissioners to make their assessment, either accepting the return made to them, or making their own estimate. Then, if the party liable neglected to pay the duty within twenty-one days after the Commissioners had notified to him the assessment of the duty, he would be liable to a further penalty.

Mr. HENLEY said, the explanation, he feared, would not be that which would be given out of the House to the clause. He hoped, therefore, the hon. and learned Gentleman would introduce words which would have the effect of giving the interpretation to the clause which his explanation now favoured.

The SOLICITOR GENERAL had no objection to reconsider the wording of the clause so as to meet the views of those who wished it to be made clearer.

Mr. HENLEY hoped the Government would consent to report progress.

The CHANCELLOR of the EXCHEQUER hoped the right hon. Gentleman would not press his Motion, for at this period of the year it would be very inconvenient to abandon the discussion of important Bills at 12 o'clock.

Sir JOHN PAKINGTON said, he would not object to go on if there were a prospect of concluding; but he did not think there was any. He wished to know if the same arrangement was to be persevered in with regard to the business of the week. The right hon. Gentleman had announced that the Committee on the India Bill would be taken on Thursday, and proceeded with *de die in diem.* He put it to the right hon. Gentleman whether great inconvenience would not arise from their having gone so far with this Bill as they had done, and then postponing it for an indefinite period.

The CHANCELLOR of the EXCHEQUER said, he believed there was a prospect of going on with the Bill, as it would be his duty to propose, if it were not finished now, that the Bill should be taken at twelve o'clock to-morrow, when they would have the advantage of going on whilst their minds were still fresh upon the subject.

Mr. HENLEY said, he wished to remind the right hon. Gentleman that several important Bills had already been fixed for the morning sitting that day.

Mr. DISRAELI thought it was not advisable to proceed with this Bill at a morning sitting, because they could not expect early in the day to have the advantage of the attendance of gentlemen of the long robe, whose opinions on such a measure were of great importance, especially as the Bill was of so peculiar a nature that in all probability it could not be criticised in detail in another place.

The CHANCELLOR OF THE EXCHEQUER said, he quite agreed that this would be very desirable; but circumstances were stronger, and they could not expect to gain every object at this period of the Session, when public business so pressed.

SIR WILLIAM JOLLIFFE said, he objected strongly to proceeding with the Bill to-morrow, for which other Bills were fixed, and when lawyers could not be present. There had been no desire to obstruct the Bill, but it was essential that it should be fairly discussed.

The CHANCELLOR OF THE EXCHEQUER said, if the Committee would proceed with the rest of the Bill now, he would consent to postpone the timber clause, the only one likely to give rise to discussion, and bring it up at the end.

MR. DISRAELI thought that if the Government would consent to take this Bill on Thursday instead of the India Bill, the arrangement would work much better.

The CHANCELLOR OF THE EXCHEQUER said, it was impossible to take the vote on Thursday or Friday, and he could make no other suggestion than that which he had made.

SIR JOHN PAKINGTON said, he would suggest that as it had been arranged that a debate on another subject should take place on Friday, the more convenient course would be to commence the consideration of the Government of India Bill in Committee on Monday, especially as the noble Lord (Lord John Russell) had expressed his intention to proceed with that measure *de die in diem*, and to resume the Committee on the Succession Bill on Thursday.

The CHANCELLOR OF THE EXCHEQUER said, he had spoken to his right hon. Friend (Sir C. Wood), who was willing to make an arrangement for taking this Bill on Thursday. He (the Chancellor of the Exchequer) hoped, however, that the discussion of the Bill would be concluded on that day.

MR. BRIGHT wished to know whether any other evening was fixed for the India Bill?

SIR CHARLES WOOD replied, that the India Bill would still be allowed to stand for Thursday, giving the Succession Bill the preference. If the Succession Bill occupied all that evening, the India Bill would then be postponed till 5 o'clock on Monday, and would then go forward *de die in diem.*

The House resumed. Committee report progress.

STAMP DUTIES BILL.

Order for Committee read.

The CHANCELLOR OF THE EXCHEQUER said, he felt some difficulty in respect to the course of proceeding in this measure. In the present position of public business it might be some time before it would be in the power of the Government to enter upon the discussion of any of those controverted matters involved in this Bill, such as that they were discussing on Friday last, or that which had been brought forward by his noble Friend the Member for Middlesex (Lord R. Grosvenor) in reference to attornies' certificates. He proposed, under these circumstancs, to put the Bill in Committee now, and drop from it all those matters that were of a character to excite difference of opinion: he meant the matters relating to the newspaper stamp duty and the attornies' certificates. It was desirable that they should get forward as rapidly as possible with the other parts of the Bill, in order to facilitate the introduction of the penny (receipt) stamp duty, as they could not take any proceedings towards preparing the dies and for the prevention of forgery until they could carry the Bill into law. He proposed, therefore, to proceed merely with the uncontested parts of the measure, reserving the votes as to those matters which were in controversy for future discussion.

House in Committee.

Instruction to the Committee, that they have power to divide the Bill into two Bills.

Bill considered in Committee.

House resumed.

Bill *reported.*

ASSISTANT JUDGE (MIDDLESEX SESSIONS) BILL.

Order for Second Reading read.

MR. LOWE, in moving the Second Reading of this Bill, said, that the object of it was to give to the Assistant Judge of the Middlesex Sessions an increase of salary, to which it was considered that he had become entitled by the great increase of business which had fallen upon him in consequence of the passing of the Act 14 & 15 *Vict.*, c. 55, which restored to the Middlesex Court of Sessions its original jurisdiction, which had been taken from it by the Act of 1834. The right hon. Member for Morpeth (Sir G. Grey) in introducing that measure, had thus described its provisions:—

> "One of the provisions of the Bill relates to the Central Criminal Court. When that Court was established, jurisdiction was taken away in a variety of cases from the sessions held within its district. The effect of this has been, that at the Middlesex Sessions, although presided over by an eminent and qualified Judge, certain cases cannot be tried, notwithstanding similar cases are tried eveny day at the sessions in every other part of the kingdom. Great delay in the administration of justice, as well as great expense, is found to result from this arrangement. I therefore propose to repeal so much of the Act as restricts the nature of the case to be tried at the Sessions."

The anticipation that the effect of the measure would be greatly to relieve the Central Criminal Court, had been fully borne out by the results. In the six months preceding the passing of the Statute—from September, 1850, to February, 1851—the number of indictments at the Middlesex Sessions had been 900, of which the costs were 984*l.*, while the number of those at the Central Criminal Court in the same period had been 465, of which the costs were 2,160*l.*; whereas in the six months from September, 1851, to February, 1852, the number of indictments at the Central Criminal Court had fallen to 88, of which the costs were 601*l.*, while those at the Middlesex Sesssions had risen to 1,207, of which the costs were 1,935*l.* The average cost of each case at the Middlesex Sessions was thus seen to be 28*s.* 2*d.* whereas the average cost of those at the Central Criminal Court was 4*l.* 19*s.* 10*d.* Estimating, upon the most moderate computation, that 750 cases yearly would be transferred from the Central Criminal Court to the Middlesex Sessions, the saving upon these rates of cost would be not less than 2,700*l.* per annum. Under these circumstances, it was considered that the Judge by whom one-tenth of the criminal business of the country was tried, and whose labours occasioned so material an annual saving to the country, ought to be paid a salary in some degree commensurate with his important and onerous duties, and it] was therefore proposed, in this Bill, to raise his salary from 1,200*l.* per annum to 1,500*l.* per annum.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. Lowe

Lord DUDLEY STUART said, he saw no necessity for making this increase of salary. As to the present Judge-Assistant, his conduct in arbitrarily aggravating the punishment of the unfortunate prisoners tried before him, was anything but becoming a Judge. Only the other day he was strongly and most justly censured by the press for his conduct towards a woman who, having been found guilty of a theft, had been sentenced by him to seven years' transportation. The poor woman, in her excitement, rose from her knees, on which she had been entreating for mercy, and called the policeman who had been witness against her a pig; whereupon the Judge, in an ebullition of anger, actually sentenced her to three years' additional transportation. The noble Lord the Secretary for the Home Department, in defence of the Judge, said he altered the sentence because he had reason to believe that an attempt at rescue would be made. That might have been a good reason for sending for additional policemen, but was none for augmenting the woman's punishment. This, however, was the Judge whom Her Majesty's Ministers selected for honour and reward! The private character of this learned person was distinguished by this peculiarity—that he managed to succeed in what he had a fancy to. A Judge had recently said of him, "I hope he won't fancy my place, for if he did he would get it." Apparently he wanted an increase of salary, and he was getting it from the House of Commons. But 1,200*l.* was ample. The Chairman of the Surrey Sessions discharged duties as laborious as those which devolved on Mr. Serjeant Adams without any remuneration whatever.

Mr. BOWYER said, he objected to the proposition contained in the Bill, for he considered that the test of the number of indictments, as applied to the duties of the Assistant Judge, was fallacious, as the trial of many of them only occupied a few minutes; and he believed the Judge in question did not take much trouble with them, for they were tried in a very off-hand way. He thought the salary of the County Court Judges was a fair test by which to try that of the Assistant Judge. Every one knew that there were greater difficulties in deciding civil as compared with criminal cases: in the former, points of law often arose, while in the latter only questions of fact were to be tried. The County Court Judges had 1,200*l.* a year, and they sat nearly every day; they were obliged to sit every month in each place in their districts, they had no allowance for travelling expenses, and perform very onerous duties besides their ordinary duties, such as acting as Masters in Chancery, &c. He thought that comparing their position with that of Mr. Serjeant Adams, to increase the salary of the Assistant Judge to 1,500*l.* a year, was a monstrous waste of public money. He should move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

The ATTORNEY GENERAL said, he thought the House would agree with him in one point, and that was that they ought to discuss this question with reference to its general principle, and not with reference to a particular person. His noble Friend (Lord D. Stuart) had entered into what he was pleased to term the question of the personal peculiarities of the Assistant Judge, and had endeavoured to amuse, or he should rather say to detain, the House with some idle gossip about the personal peculiarities of Mr. Serjeant Adams. It was rather hard on an absent man that his noble Friend should repeat over and over again his old grievance about the "policeman and the pig." If he had any charge to make against the learned Judge, he ought to bring it specifically before the House. The question now was, whether, as additional duties had been cast on the Assistant Judge since he agreed to accept his office at its present salary, it ought not to be increased. There had been a great accession to his duties in consequence of the number of indictments that had been recently transferred from the Central Criminal Court to the Middlesex Sessions, on public grounds, and at a great saving of public money; and that Court had sat 184 days as compared with 81 days' sittings of the Central Criminal Court. The learned Judge had accepted his office at a certain salary, since which there had been a great increase of his duties, and on that ground it was that his salary was to be raised.

LORD DUDLEY STUART wished, in explanation, to say, that when the hon. and learned Gentleman charged him with repeating idle gossip, he could only say that, on the subject to which he had referred, a question had been answered by a Minister of the Crown, and in that answer the facts of the case as he had stated them were not at all denied.

SIR JOHN DUCKWORTH said, he did not think that the fact of the business of the Court being increased, and also a saving in the expenditure attendant upon criminal proceedings having been effected, was any reason for increasing the salary of the Assistant Judge. If it were the case that criminal prosecutions in the Central Criminal Court cost 4*l.* 19*s.* 10*d.*, and in the Assistant Judge's Court only 1*l.* 8*s.*, that seemed to him to be only a very strong reason for inquiry as to whether a considerable reduction might not be made in the costs of procedure in the Central Criminal Court.

MR. ALCOCK said, he saw no reason for increasing the salary of the Assistant Judge. It seemed to be unfair towards the Gentleman who presided over the Quarter Sessions in the county of Surrey, and who had for a long time discharged duties nearly as arduous.

MR. J. WILSON said, the Treasury were influenced in this proposition by the fact that a learned Gentleman was taken from his profession to fill this office, to which he devoted his whole time, and he was made a Judge, and one of that quality that he could transport people for fourteen years. Last year the salary of County Court Judges was fixed at 1,200*l.* a year, with a power to the Treasury to raise them to 1,500*l.*; and they had applications for that increase, on grounds which they could not resist, such as the increase of business; and the same reason influenced them in raising the salary in the present case.

MR. MURROUGH said, he had understood, that at the appointment of the Assistant Judge the duties of his position were very onerous, if not quite as arduous, as those which he was now called upon to perform, and he should wish to be informed if such were really the case.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 61; Noes 47: Majority 14.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Thursday*, 14th July.

SAVINGS BANKS ANNUITIES BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time"

Mr. COWAN said, it was his duty to resist the further progress of this measure. The Bill, in point of fact, was intended to give the Government power to commence the business of life assurance, although its title would lead to a very different impression. Clause 10 gave power to the Commissioners for the Reduction of the National Debt to contract with any such person or persons as those named in other parts of the Bill for the payment of a sum of money at his or her death; and it would have been proper, or, at all events, if he might use such a term, more respectful to the House, before introducing such an important change in the law as this Bill contemplated, if the Chancellor of the Exchequer had stated plainly and frankly what the intentions of the Government really were, in order that such intentions might be fully discussed and sanctioned by the House, if it conceived the measure would be advantageous to the community. He had a great objection to the Government becoming a trading community, or doing anything which could be carried out by a private company; but with regard to this especial mode of trading, he thought experience had proved that the manner of granting annuities by the Government was highly objectionable. The system of life assurance was at present carried so successfully, and withal so judiciously, by the ordinary life-assurance companies, that it would be most unwise to interfere with them; but this Bill proposed to make a charge on the Consolidated Fund; and since he objected to it on the ground of the interference to which he had just alluded, he should be glad to know from Mr. Speaker if this Bill ought not to have originated in a Committe of the whole House. Be that, however, as it might, he could not permit the Bill to proceed any further until he had received some more satisfactory explanation about it than he had yet heard, and he should therefore move that it be read a third time this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. APSLEY PELLATT said, that as far as the principle of granting life annuities had been practised by the Government it had given satisfaction, and parties were anxious that the amount should be increased, and that 30*l*. should not be the limit. Of that principle he quite approved, but he could not help concurring in the observations of the hon. Member who had just sat down with respect to the proposal in the Bill as to life assurance, which was quite a different principle from that already in operation.

Mr. J. WILSON said, he must complain that the hon. Member for Edinburgh had not given notice of his Amendment; but he apprehended the hon. Gentleman's opposition to the Bill originated in a mistake or a misconception of the object of the measure. The only object of the Bill was to confer upon the Commissioners for the reduction of the national debt power to convert deposits in savings banks into annuities. The Commissioners certainly possessed this power under the existing law, but only to a limited extent; and the intention of this Bill was not to enable them to enter upon the general business of life assurance, which would be entirely beyond its scope, but simply to give them power to convert savings banks' deposits into annuities with more facility than the law at present allowed.

Mr. COWAN said, the explanation of the hon. Gentleman had not removed his objection to the Bill, and he should, therefore, be glad to have an answer to the question he had put to the Chair.

Mr. SPEAKER said, undoubtedly, if the Bill imposed a charge on the Consolidated Fund, it ought to have originated in a Committee of the whole House.

Mr. COWAN would beg to call the attention of the right hon. Gentleman to the 12th clause.

Mr. SPEAKER, having looked at the clause, said he apprehended the Bill did not impose any additional charge upon the Consolidated Fund than the law already sanctioned.

Mr. J. WILSON said, the Bill certainly could not impose any additional charge on the Consolidated Fund, for, under the existing law, both the deposits, as well as the Government annuities, were chargeable to that fund.

Mr. W. LOCKHART moved the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 19; Noes 47: Majority 28.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

PUBLIC-HOUSES (SCOTLAND) BILL.

On the above Bill being brought up for consideration,

Mr. ELLIOT moved a clause to the effect, that licences should not be granted to tollgatherers except in cases where the tollhouses were situated more than six miles from any other house licensed to sell exciseable liquors.

Clause *agreed to.*

Mr. COWAN moved that Clause 10, which enacted that the licences to retail wine under the Act should not authorise persons to sell foreign wine not to be consumed on the premises in any greater quantity than four gallons, be omitted.

Mr. CUMMING BRUCE said, that the clause was fully discussed in Committee, and, having consented to have the quantity changed from one gallon to four gallons, he did not think there was any just ground for objecting to the clause.

Mr. COWAN said, that when the Bill came to be read a third time, he should certainly move that the clause be struck out.

Mr. E. ELLICE said, that he had in the first instance been instructed to oppose the clause; but since the quantity had been altered from one gallon to four gallons, his constituents had expressed themselves satisfied.

Mr. J. WILSON said, that with regard to this clause, his attention had not yet been directed as to its effect upon the revenue; he begged therefore to give notice that if, on inquiry, he found that it would have any prejudicial effect on the revenue, he should consider himself at liberty to move that it be omitted on the third reading.

Amendment *negatived.*

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, July 5, 1853.

Minutes.] *Took the Oaths.*—The Earl Ferrers.

Public Bills.—1^{a} Company's European Troops (India).

Reported.—Public Works Loan.

3^{a} Incumbered Estates (Ireland) Act Continuance; Malicious Injuries (Ireland).

THE INDIAN ARMY—COMPANY'S EUROPEAN TROOPS (INDIA) BILL.

The Earl of ELLENBOROUGH said, he begged leave to lay upon the table of the House a Bill comprising but one clause, and which was taken from the Government Bill on India now before the House of Commons. It was not a clause of which he himself particularly approved; but he certainly thought he should fail in any endeavour to induce their Lordships to join in the exact conclusion which he might have formed upon this subject. It was a clause by which the Company were enabled to increase the European force now in their service by 7,810 men. At present the European force allowed to be employed by them, under the law, was 12,200; but under the new Bill they would be enabled to have 20,000 in their service. And, further, instead of having in this country only 2,000 troops, they might have 4,000. He (the Earl of Ellenborough) felt so strongly the necessity of losing no time whatever in increasing the number of the European forces in India, that he thought it most highly desirable that their Lordships should at once pass, as a separate Bill, this clause, and send it down to the House of Commons, so that it might become law some six or eight weeks sooner than it would do if their Lordships were to wait until the Government Bill came before them. The recruiting service might then very shortly commence; and from 2,000 to 3,000 men might be forthwith sent out to India, to be at the disposal of the Government, to meet any emergency which might arise consequent upon the withdrawal of Her Majesty's troops for our requirements elsewhere. He begged, therefore, to move the first reading of the Bill.

Bill read 1^{a}.

JUVENILE MENDICANCY (No. 2) BILL.

The Earl of SHAFTESBURY, on moving that their Lordships should resolve themselves into Committee on the above Bill (on recommitment), said, that if they would be good enough to give him their attention for a very short time, he thought he would be able to show them that it was a measure worthy of their fullest and most serious deliberation. The Bill was intended to consider and remove one of the prime causes of the crime which prevailed in town and country, and more especially in the large towns and cities—to open a new career to thousands of your juvenile population—to spare the nation the disgrace of this enormous mass of juvenile delinquency, and ourselves the pain, and he might say the peril, of its adult life. Now, such a policy as this, desirable and important as it was at all times, was indispensable in the present day, when, as he believed, they were about to abolish the system of transportation, either altogether or to a very great extent. One of two courses must be adopted. It would be necessary to restrain our felons with greater severity, or to do something to reduce their numbers. But the country appeared to him to be quite weary of speeches, of pamphlets, and of Select Committees on the subject of secondary punishments, and he thought it would be well to see if they could not introduce some measure to meet the end in view, and to check this growing evil. The class of children brought under their Lordships' consideration, and contemplated in the present measure, were not to be considered actual delinquents, but as those who were, so to speak, ante-delinquents—as those who were placed in a state in which it was almost inevitable they must become so, by their parents or by those who had the care and custody of them, thereby forming the seed-plot of half, nay, almost all, the crime perpetrated in the realm. He thought it might be safely affirmed and easily proved that two-thirds of all the crime in this country took its first commencement in the early years of the perpetrators, showing that, if they had been trained in the way they should have gone, they would not have departed from it in their old age. He thought he could show, further, that of the causes of this juvenile delinquency the first and greatest were the parents, the next society, and that, last of all, and least, were the culprits themselves whose case was before the House. He held in his hand a very remarkable paper, which clearly illustrated the rise and progress of the criminal class in the kingdom. It was a table which contained the statements made by ninety thieves now living in one institution, and it might be regarded as being in some measure the record of their past lives. Without entering into the minute details of the document, it would be sufficient to state that sixty-two of these began to thieve when under fifteen years of age, and that fifty began to thieve when between twelve and sixteen. He believed, indeed, that if an inquiry was instituted into the general state of that class, in any part of England, and over any surface, it would come to the same result, and that it would prove crime almost always commenced in the earlier period of the culprit's life. That view was much confirmed by the answers given to him by 100 of the city missionaries and ragged school teachers in reply to a question which he put to them. He had been anxious to ascertain how far their experience proved that crime commenced at an early period of life, and he had, therefore, asked them this question:—"How many lads do you estimate are there who, having lived honestly up to the age of twenty, afterwards fall away, enter upon vicious courses, and turn out criminals?" And the answer he had received from every one of these 100 gentlemen was, "Not two in a hundred." That was the experience of 100 gentlemen conversant particularly and practically with that class, who gave it as their opinion—the result of long experience; and this was a manifest proof that childhood was the seedtime of crime, and, that if they wished to remove children from temptation, they must either abate the noxious influences to which they were exposed, or remove the children from its reach; and it showed very clearly, as he thought, and in the most forcible manner, that if they protected the early years of the child, principle, good sense, experience, and habit would protect him in his maturer life, and that it was but the ill-trained and neglected child that grew into the desperate uncontrollable man. There was not one of their Lordships who could have failed to see a large number of children at all times of the day or of the night, mischievous and neglected, wandering in the streets and localities of the metropolis—whether they were increasing, were diminishing, or were stationary, was little to the purpose—statistical returns would, on this subject, be very difficult to get, and, after all, might prove fallacious; but no one could say they were not more than they ought to be, and that they should not be reduced. Children of this class might be divided into two great divisions—the mendicants and the vagrants. Of these the mendicants held a higher rank—first, because they had a certain semblance to a profession, and appeared to belong to one, too, which had its grades, honours, and emoluments; and, secondly, because the mendicant might, by assiduity in his calling, rise to the dignity of belonging to the begging-letter department, than which there could be nothing more lucrative, profligate, and comfortable; and he begged to say that the noble Earl opposite, the First Misister of the Crown, had few things to give away more really enviable, more comfortable, or more profitable than the post enjoyed by the real begging-letter writer; and that he knew from persons who were well acquainted with them, who saw them going out to their business, and saw them returning home to dine on the fat of the land, and on all the luxuries of the season. Successful mendicancy, too, required a great deal of cunning, experience, cleverness, and ingenuity. There were many tricks practised which required much experience and art before they could be attempted. One boy told him he never received so much money as by putting on rags, assuming a melancholy face, and then standing before the door of a cook-shop, and gazing into it with wistful looks. Their Lordships might easily imagine what a source of vice, fraud, and deceit, such a life must be. The vagrants came next, and made up the whole seedplot of crime of that great metropolis, which furnished such an abundant crop for our magistrates, our gaols, our hulks, our prisons, and transports, and gave them seven-tenths of their occupants. These children might be considered in another light. Many of them were orphans; some had only one parent; some had both. Very many of them were driven from home, and turned into the street by the ferocity of their step-parents; for, remarkable it might be, but most true it was, that there was no cause of vice, misery, or suffering, more common than the domineering temper of stepmothers, who would not allow their step-children to remain in the same house with them. Some of these children were turned out from home and abandoned, and some were regularly trained up in habits of mendicancy; and it was a fact that there were artisans in receipt of large wages who were in the habit of turning their children into the streets early in the morning, forbidding them to come back till late at night, and telling them to live as they could on the exercise of their wits during the whole day. Now, all vagrants, from whatever cause they were such, were exposed to the greatest temptations. The history of the vagrants and mendicants of the metropolis was the history of the race everywhere; they might differ in numbers, but in principle and proportion they were the same; and they might infer, from the statements of any large town, the condition of any, or every other. Now, such facts as the following were very illustrative. The Rev. Mr. Clay, of Preston, whose excellence and experience were known to all the world, said, in quoting the testimony of a very practical thief—

> "A third class, who were the dregs of society, form about 80 per cent of all professional thieves. . . . The whole of this class, with few exceptions, have been nurtured in crime from their cradles. Dirty, filthy, ragged, hungered, and neglected by their parents, they commence a petty career of pilfering."

A city missionary had lately informed him (the Earl of Shaftesbury) that there were—

> "In his district at least 100 families, where the parents daily send out their children with every species of smallware for sale—boxes, oranges, matches, &c.—giving them to understand, and acting on the advice they give, that nothing will come amiss, however obtained."

This might be well illustrated by another statement of Mr. Clay, in his 27th report. Speaking of a family, he said—

> "The parents, as is too usual, bestowed no moral nor religious care upon the children, who, in consequence, soon picked up bad companions, and thus gradually entered on a course of crime; at first the parents scolded, and gave good advice, but never hesitated to accept all that was offered to them of their children's ill-gotten gains; the mother encouraged and assisted practices which provided means for enabling her and her husband to live in idleness and luxury."

Letters from all parts of England were received; one from Staffordshire said—

> "A greater boon than the suppression of juvenile vagrancy could not be conferred. . . . The practice of sending poor children out to beg prevails most extensively in this district; vast numbers are daily despatched from the filthy lodging-houses, and spread themselves all over the surrounding villages."

The report of 1852, from Newcastle and Gateshead, said—

> "There is a considerable amount of the juvenile population exposed to the most demoralising influences; parental neglect and advice, utter ignorance, brutal intemperance, filth. . . . Children growing up in such an atmosphere cannot be otherwise than criminal."

Mr. Clay, in his report for 1851, said—

> "There are hundreds of poor children in all great towns training up as thieves. . . . The children are sent out in the morning with watercress, chalkstones, cocoanut husks, &c., and at night with firewood. The whole of these children are dirty, ragged, without covering to head or feet. They must bring home a certain sum or value, whether obtained by begging, selling, or stealing. Nothing comes amiss to them—anything, if left exposed. . . . . Many of the boys are only six or seven years of age."

Evidence of this kind could be indefinitely multiplied, but it was surely needless to detain the House by longer statements of such things. It was very desirable, in cases such as these, to estimate, so far as was possible, the numbers with which they had to deal. The imagination of mankind expanded very rapidly; it was astonishing what proportions a difficulty assumed, and persons were frequently deterred from undertaking a cause by the terrors of its apparent magnitude. He had heard this objection a thousand times; he would not say that he had ever felt it himself. He trusted, however, that it would not be allowed to prevail in the present instance. In the second report of Captain Hays, that gentleman said—

> "The number of children 'at large' in the metropolis, and living in idleness without education, and apparently neglected by their parents, of the lower classes, who are generally in the receipt of wages, amounts, as near as can be ascertained, to 20,641 under 15 years of age."

Now, this number, though large and perilous, is not any immediate concern. The total number, as stated by the police, of trained mendicants and vagrants, frequenters of lodging-houses, nearly, if not actually, is about 3,098; of these, without parents, 148; with parents able to maintain them, 336; with parents able to contribute to them, 1,770—making of children whose parents could maintain them, but did not, 2,106; the number whose parents sent them out to beg, and live in idleness and profligacy on their earnings, equal the remaining 844. This is confirmed by the testimony of a person engaged last year to perambulate the town, and examine the vagrants. He stated that of several hundred children traced to their homes, a very large proportion were of parents who could maintain them—"many earning as much as 16*s.* a week and upwards." He (the Earl of Shaftesbury) was assured by Mr. Serjeant Adams that it was the result of his judicial experience that "the ability of these parents to support their children was the rule, and not the exception." This was an important fact, because it showed the evil to be within compass, and, if it were so in the metropolis, it was equally so in all parts of England. It was worth while to verify the table by another important statement—one, too, on which great exaggeration had prevailed. He was desirous to ascertain whether the total number of professional, not occasional, thieves—he meant, of course, those who, having no other calling or means of subsistence, lived entirely by plunder—bore any proportion to the numbers of these juveniles. He found that it was so; and that in the metropolis the number of them was under 6,000, a crop not greater than might be expected from such a seed-plot; and, like the other, within the reach and compass of remedial legislation. The truth was, the number of offences stated in the returns did not show the number of offenders. The number of habitual offenders was far less than most people imagined; the heavy aggregate was made up by the repeated offences of the same individuals. This, while it showed how small a number might disturb the peace and shake the security of a whole community, proved also how reachable was the evil, if taken at its source. It was very difficult to restrain or reform 6,000 adult thieves, but it was not difficult to insist on the education of 3,000 children. Now, it was the concurrent testimony of every one, whether by written or oral evidence, before Parliament or in conversation, that such was the destiny of these children. Small as the number was, compared with the whole population, it was enough, if unchecked, to devastate and disgrace the whole kingdom. And where lay the fault? Was it not manifestly with the parents? The very statement would seem to involve the proof; but he would adduce the testimony of experienced persons; but, first, let us get rid of the notion that mendicancy and vagrancy and the beginning of crime were the effects of poverty—of the poverty, he meant, of the parents. It was no such thing. In the first place, the returns he had quoted amply showed it. Mr. Clay asserted that his informant, a very practised thief, knew but one instance of actual distress as the cause of crime; the inspector he (the Earl of Shaftesbury) himself employed told him that he found the parents of about 200 earning 16*s.* a week and upwards, and as many more, quite capable of work, living in idleness and dissipation on the earnings of their wretched children. Now, was it not manifest that the parents were the true criminals? He knew nothing on which all testimony was so concurrent; it had passed into a proverb at all meetings and discussions—always asserted and never disputed—that we "should never do any real good until we should have a new generation of parents." The children were despatched with orders to bring back a certain sum of money. Should they fail to obtain enough, they feared to go home, and wandered about the streets for days and nights together. Well, then, see the temptations to which they were exposed. It appeared, from a return of some offences within the metropolitan police district for 1852, that the number of larcenies of goods exposed for sale was 1,479. Here was a very fruitful source of juvenile crime. Could it be otherwise? The neglect and carelessness of the shopkeepers were most reprehensible. Stealing from unfinished houses, 596; from carts or carriages, 211; linen exposed to dry, 228; by doors being left open, 1,912. Now, consider that these children were hungry, naked, untaught, without any moral sense or any definite ideas of *meum* and *tuum*, and all these opportunities placed before them! He had already stated Mr. Clay's opinion. Then came the penny theatres, the prime source of corruption, many a child having committed its first offence to obtain money for that amusement. It was unnecessary to set out these things in detail; they must be evident to every thinking mind. Now, the culpability of the parents could not be more truly and unanswerably exhibited than in the answers he received to queries submitted to 100 persons who had been professional thieves and misdemeanants. The questions he submitted were these—

> "1. What is the cause of children begging in the streets? 2. Is the money appropriated to the use of the parents or of the children?"

He would given the answers in the writing of one, because it was a sample of the rest. To the first he replied—

> "I believe the cause of children begging in the streets is on account of the parents being addicted to drink and to idle habits."

To the second—

> "The money is generally appropriated to the parents' use, to spend in drink and all sorts of debauchery."

Now the only law by which they could reach this state of things was the Vagrant Act of the 5th *Geo.* IV., chap. 83, a brief summary of which he had taken from a digest by Mr. Parker:—

> "Vagrant, Rogue, Vagabond—Section 3. Idle and disorderly persons committing certain offences herein mentioned, how to be punished:—Every person being able, wholly or in part, to maintain himself, or herself, or his or her family, by work, or by other means, and wilfully refusing or neglecting so to do, by which refusal or neglect he or she, or any of his or her family whom he or she may be legally bound to maintain, shall have become chargeable to any parish, township, or place; every petty chapman or pedlar wandering abroad and trading without being duly licensed or otherwise authorised by law; and every person wandering abroad and placing himself or herself in any public place, street, highway, court, or passage, to beg or gather alms, or causing, or procuring, or encouraging any child or children so to do—shall be deemed an idle and disorderly person within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any period not exceeding one calendar month."

But this was not sufficient—it provided for a moderate punishment of the parents, but did not secure the peace and welfare of society by the better care and instruction of the child. We required, therefore, a power to take the child in such circumstances; a power to detain him or her for purposes of education, and to make the parents responsible for the maintenance and education necessary. This was what he proposed to do; and he found very general concurrence in this view. It seemed founded on justice and common sense; nor could he do better than produce a continuation of the evidence he before adduced. The questions proceeded:—

> "What would be the most likely way to suppress begging and vagrancy?—To punish old offenders.
>
> "What do you know about children being hired for the purpose of begging?—I have known of half-a-crown a day being given for the hire of one child.
>
> "What is your opinion of a fine being inflicted on the parents?—It would be the best means of suppressing mendicancy.
>
> "Would they be able to pay it?—In some cases they would.
>
> "What sum of money can they gain a-week?—I have known children getting 3*s.* a-day."

Mr. Clay said—

> "Truly something must be done to make the parents themselves sensibly, if not painfully and penally, alive to the conviction that society ought not to submit, and will not submit, to the consequences of their conduct."

Well, then, they had come to the conclusion which few would gainsay, that the source of nine-tenths of the juvenile delinquency, and through that of adult crime, were the parents of the children. Why should we not, then, come unanimously to another conclusion—no longer to deal with results, but to attack the causes; not to filter the stream, but cleanse the fountain, and lay hold of the parents themselves? Various remedies had been tried and been found ineffectual, and so they would ever be so long as they continued penal and reformatory, and wanted an anticipative and preventive character. Now the Vagrant Act, which gave considerable powers to the magistrate, did not confer the powers precisely wanted—a slight addition was required; and on that addition the whole difference, if any, would arise. They wanted the power to supersede the authority of a corrupted and corrupting parent—to place the child in a safe place of education, and make, at the same time, the parent responsible for all charges. This was no new principle; it had been asserted at various times, and specially in the case of Mr. Long Wellesley. Here was the legal language on that occasion, heard and assented to by Lord Chancellor Eldon:—

> "It cannot be denied that the Court has authority to control the legal rights of the father, if the welfare of the infant renders its interference necessary. If a father is abroad, or purposes to send his children out of the jurisdiction—if their continuance under his care and custody is likely to prevent them from being brought up in a manner suited to their expectations in life—if he is addicted to habitual drunkenness or blasphemy—if their moral or religious principles are likely to be injured by living with him, or under his superintendence—in such circumstances as these the Court has never hesitated to exercise its jurisdiction. In the present case, the infant plaintiffs are designed to fill important situations in society; in the right formation of their character is involved the welfare of many others besides themselves."

But how much stronger was the case here. The whole argument in the Wellesley case turned on the welfare of the child, on its right to education, on a fit preparation for its place in society, and on the duty of rescuing it from the influence of immorality and blasphemy. However much they might deplore such things, and desire the welfare of all these children, they made no such demand on the ground of their personal rights. The law sought for was grounded on the wants and rights of society, which prayed to be delivered from nuisances that endangered its peace, poisoned its morality, drained its pockets, and altogether impeded its healthy progress. These children were knowingly and pertinaciously brought up, not for their own ruin only, but to be pests to all mankind; and it was a monstrous perversion both of language and fact to say, that to take from these parents such a power was to deprive them of anything they had, or ought to have, by the laws of God, or by the ordinary principles of human justice. There was no distinction between nuisances such as these, and nuisances which were indicted, because a man was not to use property to the peril of his neighbour. Surely, parents who persisted in this course must be considered to have abdicated the functions of parents, and surrendered their right to some other authority; they disregarded every obligation of civilised and uncivilised life; they were neither Christians nor heathens; they were not men, nor even savages, but beasts. They had renounced their proper functions, nor could these functions be resumed, unless some competent tribunal should have previously inquired and given its assent. But though they had renounced the functions, they had not renounced, for they could not do so, the responsibilities of parents; society might, in self-defence, take the custody of the children, but society was not summoned to discharge the parents of the burden, and give them the ease they desired for indolence and debauchery. Now, on the power of detention, as demanded by the Bill, the necessity must be manifest. These evil and godless parents, having no object but their indulgences, would claim the children the very instant at which they could again be rendered servicable in the streets and alleys. A very striking case occurred under his own eyes, and might be taken as an illustrative instance of the whole system. A lad who had been discarded by his parents fell down with a fever on the steps of a house. A gentleman who was passing by had him conveyed to the Fever Hospital. The fever was a godsend to the lad. In the hospital he was placed under the care of his excellent and able friend, Dr. Southwood Smith. The kind Doctor had brought the case under his notice for the purpose of inquiring whether there was not some refuge in which the lad might be placed. He knew of one, into which the boy was introduced. The boy remained in the refuge until he was about 13 or 14 years of age, when he certainly was a most towardly youth, exhibiting great mental and bodily improvement. After he had been in the institution some time, his mother presented herself at the gate, and demanded that her son should be restored to her. Such cases frequently happened. He fortunately happened to be in the refuge at the moment, and resisted the woman's wishes. He found her a drunken, dirty person, and perhaps he went beyond the law, but he succeeded in frightening her by a threat of prosecution for neglect of her child. He mentioned this instance to show, in the first place, how the parents endeavoured to recover their children as soon as they could be made serviceable instruments, and also to prove how easily the children could be trained to good purposes. It would have touched their Lordships very deeply if they could have witnessed the agony in which the lad clung to the teacher and the other lads in the place, imploring that he might not be sent away. At this moment the lad was in the receipt of very large wages in a very respectable situation in Nottingham; and he no sooner was in this situation than he sent for his mother, took her to his home, and that woman was now as respectable a person as could be found in the neighbourhood of Nottingham. Many such instances would occur if such a measure as he now asked for were passed. What was said on such a state of things by our brethren in the United States of America, who were quite as much as ourselves sticklers for liberty and individual right?—

> "The law permits some things, and compels some things. It permits a man to select his own occupation, religion, and mode of life; it compels him to respect his neighbour's occupation, religion, and rights. But how is it with his own children? It compels him to support them, to furnish them with raiment, food, and shelter; it permits him utterly to neglect their training and occupation. It compels him to be responsible for their acts, until they shall attain a certain age; it permits him to suffer them to become vagabonds and culprits. It compels him to provide for their physical necessities; it permits him to allow them to grow up in idleness and vice; compels him to provide for the body that shall perish, permits him utterly to neglect, nay, worse, to deprave the spirit that shall live for ever. If the parent, guardian, or master of the child is intemperate, incompetent, or indifferent, the law should take their place, and see that the child is properly trained. If they are avaricious, and desire to speculate for gain out of the tender bones and sinews of the child, to the entire neglect of its mental and moral culture, and the debasement of its character, the strong hand of the law should restrain that avarice, and enforce the child's just rights."

Was not the whole principle contained in the ancient Saxon law of frankpledge? Could they desire for the present case stronger and more constitutional precedents than those set forth in the earliest times? He found the case well stated in Miss Carpenter's excellent book on juvenile delinquents, in a quotation from Mr. David Power, Recorder of Ipswich?—

> "Wherever a number of persons," he says, "are gathered together, so as to form a community, whether in a village or a town, it is their Christian duty to take care that none of their younger members are growing up untrained, and, therefore, in circumstances to become criminal; and if such be their duty, the consequences of its breach should fall on those who commit it, and upon no others. . . . Our ancestors were wiser in their legislation in this respect. By the old law of frankpledge, the existence of which has been traced nearly to King Alfred's time, the freeholders of a tithing were sureties or free pledges to the king for the good behaviour of each other; and if any offence were committed in their district, they were bound to have the offender forthcoming."

In all his private communications he had heard but two objections stated by persons in authority, and they were not to the principle, but to certain details of the Bill. It was urged, in the first place, that workhouses were not houses of detention, and that they ought not to be, in any way, considered as prisons. In the second place, it was urged that the accommodation would be neither proper nor sufficient to meet such a pressure of fresh inmates. Now, to the first, it might be replied that it was detention, not of the person as a prisoner, but against the demand of the profligate parents, who would seek, as in the instance quoted, te recover possession of their children for the worst purposes. To the second, he would reply that, for so good an end he would incur some slight hazard, believing that the means would be easily adapted to the events—the district schools would alone, these being a union-charge, suffice; but he was convinced, from the most minute inquiry, that nothing of the sort would occur. It had been seen that the parents were, in almost all cases, able to sustain their children; they might depend upon it that the terrors of this law, after two or three convictions, would cause the removal from the streets of two-thirds of these mendicant children; the numbers really taken into charge would be very few—very few, indeed; and, even though they were many, it would be a wise economy, for it would cost far less to educate a child as a Christian, than to punish him as an established felon. But he might add here, and he rejoiced that he had the permission to do so, the full approbation of several of that zealous and intelligent body—the police magistrates of the metropolis. In the principle and object they heartily concurred; a few of them only had suggested some slight alterations in details. He must strengthen his case by the quotation of their names. They were—Mr. Henry, Mr. Trail, Mr. Paynter, Mr. Long, Mr. Corrie, Mr. Broderip, Mr. Tyrwhitt, Mr. Bingham, and Mr. Hammill. He had reserved them to the last, because he considered their authority as the best winding up to the arguments he had adduced. Never could they have a more favourable opportunity. The Lodging-house Act was clearing out these sinks of iniquity and abodes of vice; the increasing demand for labour and increasing wages were taking away the slight pretext for mendicancy and almsgiving. The police were never more active and experienced, nor the magistrates more watchful and zealous. "Now was the accepted time—now was the day of salvation." It would be a happy undertaking to maintain, not only in principle and in argument, as we had hitherto done, but also in execution, a measure which avoided all talk of penalty upon mere children, of reformatories, houses of correction, and prison discipline for juvenile delinquents, which was one altogether of mercy and prevention, and which, by the blessing of Almighty God, would anticipate in a great measure both the gaoler and the hangman. The noble Earl concluded by moving that the House go into Committee on the Bill.

House in Committee.

On Clause 1,

The LORD CHANCELLOR said, he thought the words "any child," were too vague. There ought to be some definition of what was meant by a child.

The EARL of SHAFTESBURY said, that he had taken the Vagrant Act as his model, and that Act contained no definition of a child.

LORD CAMPBELL heartily concurred in the object the noble Earl had in view, but he thought the language which had been employed in framing the Act was very loose. It was impossible to tell what was meant by a child. Why, Childe Harold was a child. Then, no provision had been made for those children who had no parents or guardians, or whose parents or guardians it was impossible to trace. They would, in effect, be sentenced to perpetual imprisonment. If the Bill remained in its present shape, although he concurred in its principle, he should be bound to say, "Not content" to the third reading, for it would be impossible that it could work if it were placed on the Statute-book.

The LORD CHANCELLOR also objected to the working of the clause, providing that the child should remain in the workhouse until an order should be made upon the parent or guardian. He was sure that the objects which the noble Earl and the rest of their Lordships had at heart, would be defeated rather than promoted by the passing of the Bill as it now stood. He should suggest that it should now be reported *pro formâ*, in order that it might be amended and recommitted.

LORD BROUGHAM said, he entirely approved of the object of the noble Earl, to whom he was extremely grateful for the statement he had made, which must have removed all the doubts that might have existed in the minds of their Lordships on the subject; but he also felt the weight of the objections which had been stated by his noble and learned Friends. The last objection, he thought, might be removed by the addition of the words, "or any person having the care of the child." He thought, also, that the effect of the Bill would not be to sentence some children to perpetual "imprisonment," as the Lord Chief Justice had stated, as it was only detention in a workhouse. It was obvious that some definition was required of what was meant by a child; but this might be given by a statement as to age. He thought the best course would be to adopt the recommendation of his noble and learned Friend, and recommit the Bill, in order to remodel it. He was strongly impressed with a sense of the immense and incalculable importance of this subject. The system of juvenile mendicancy was, in fact, at the root of nearly all the miseries of society in great towns; and the receptacles for such mendicants were the nests and nurseries of criminals. Various plans had been suggested to meet the evil; different descriptions of punishment had been proposed at various times as specially applicable to these cases; and he was perfectly certain that some such measnre as that now before their Lordships was the only mode of laying the axe at the root of this giant evil. He believed that if children in the condition referred to were separated from bad parents, not only would a reform of the children be effected, but indirectly, and to a certain degree, an improvement and reformation of the parents themselves might be anticipated.

The EARL of HARROWBY said, he thought the defects pointed out might easily be amended: for instance, there could be a definition of the word "child" by some limitation of age, as thirteen or fourteen, or the clause might be referred to a Select Committee, who, in a couple of hours, especially with the aid of the noble and learned Lords opposite, could easily obviate all difficulties. It would be a great pity if a Bill, in the object of which all concurred, should be lost by reason of slight defects not inherent in its nature, nor connected with its principle.

The LORD CHANCELLOR said, the

Government had not the least desire to get rid of the Bill, for they thought it would be a most useful one; but, on the other hand, they considered that in its present form it would be inoperative, and, perhaps, more than inoperative.

LORD CAMPBELL might mention, by way of encouragement, that, in the City of Glasgow Police Act, there was a clause in reference to the suppression of mendicancy, which had been attended by very beneficial consequences. The clause in question permitted the apprehension of all young persons found begging, or sent out for that purpose, and also the parents or other relations of such young persons, or any parties by whom they were so sent or suffered to go out, and, on the complaint being established, made it lawful for the magistrates to punish such young persons, parents, or relations, by imprisonment for any period not exceeding sixty days, or that the young persons should be sent to houses of refuge.

The EARL of SHAFTESBURY was quite ready to leave the definition of a child to the Committee. Two suggestions had been made as to the course which he should adopt: the one that he should refer the Bill to a Select Committee, and the other that he should withdraw it, and introduce it in an amended shape. He had brought forward the measure simply for the purpose of obtaining discussion, and his noble Friends whom he had invited to come down, knew that was his object. He wanted to set before them the whole circumstances connected with the Bill, and to induce all the active spirits in the country to put their heads together in order to see if they could not devise some good measure on the subject. He would add that he was perfectly willing to consent either that the Bill should be withdrawn, or that it should be referred to a Select Committee.

The LORD CHANCELLOR suggested that it would be expedient to lay the Bill before the Poor Law Board, in order to obtain their opinion upon it. So far, however, from the Government wishing to show any hostility to the Bill, why, they would be unworthy the position they occupied, if they did not desire to give every facility in their power to its passing.

House resumed; and to be again in Committee, on recommitment, on Tuesday next.

House adjourned to *Thursday* next.

HOUSE OF COMMONS,

Tuesday, July 5, 1853.

MINUTES.] NEW WRIT. — For Derby County (Northern Division), *v.* William Evans, Esq. Chiltern Hundreds.

MERCHANT SHIPPING BILL.

Order for Committee read.

House in Committee.

Clauses 1 to 3 *agreed to.*

Clause 4.

MR. HUDSON moved that the clause be amended by the insertion of certain words, the effect of which would be to make Sunderland an independent port, without reference to Newcastle. He considered the port of Sunderland as one of the most extensive and rising ports in the kingdom, and he thought it was quite entitled to be placed in the independent position which it sought.

MR. CARDWELL said, that, however he might be willing to accede to the proposition of the hon. Gentleman, it would not be consistent with the scope and object of this Bill to agree to it. The grievance of which the hon. Gentleman complained, was not a practical one, and he hoped he would wait for another opportunity to redress it.

MR. FITZSTEPHEN FRENCH said, that looking at the position of Ireland, he thought she ought to be considered in discussing this Bill. The Ballast Board of Dublin had now a balance in her favour of 104,000*l.*, while Scotland owed 10,000*l.*, and England had only a small balance; yet, by this Bill, it was proposed to place all three countries upon an equal footing.

MR. MACARTNEY said, he certainly thought the Ballast Board of Dublin were entitled to credit for the 104,000*l.* which they had in hand, as there were several lighthouses now under consideration to which the money could be applied.

MR. CARDWELL said, that the subject to which the hon. Gentleman the Member for Roscommon (Mr. F. French) had referred, did not apply to the present clause. He could say, however, that no injustice whatever would be done to Ireland by the proposal to place the three countries upon the same footing.

Amendment *withdrawn;* Clause *agreed to.*

Clause 5.

MR. R. M. FOX said, he objected to Kingstown Harbour not being looked upon as an imperial harbour, and its expenses defrayed in the same manner as that of Holyhead. He should prefer seeing this clause more like the preceding one, and should therefore move to leave out the words after the word "fund," and to insert words similar to those at the end of Clause 4.

Mr. CARDWELL said, he must oppose the Amendment. He submitted that if Ireland expected to get the advantages of the measure, she should be prepared to bear her fair proportion of its liabilities. It was clear if there was a material object, it was the lighting the coasts of this Imperial Kingdom out of a common fund, subject to Parliamentary control; and, besides, he considered the proposed arrangement was exceedingly fair towards Ireland.

Mr. MACARTNEY said, he thought that Ireland had hitherto to bear the largest share of Imperial burdens, and that the Trinity House had not provided anything like sufficient accommodation in the way of lighthouses along the Irish coast.

Mr. R. M. FOX said, he wished to have some explanation with regard to the balance of 170,000*l.* light-dues in Ireland.

Mr. CARDWELL said, that the balance was not 170,000*l.*, but 104,000*l.*, and that this sum was charged with an annual payment of 3,600*l.* There was also a sum of 5,000*l.* for Dunleary harbour, which was not defrayed by Ireland, and Ireland would be relieved of both of those sums if this Bill were passed. She had, therefore, no reason to complain of the injustice of the arrangement.

Mr. FERGUS said, he must complain of the employment of irresponsible Commissioners in Scotland. These gentlemen, called the Northern Light Commissioners, were the Judges of the County Courts, and never did any business whatever, save to make one or two yachting excursions, and to eat dinners on board. The whole of the work was done by the secretary, and, although the Commissioners had only thirty-two lights under their charge, they had twenty-two superannuations. He did not wish to deprive those gentlemen of their dinners and yachting expeditions, but he protested against the expense being charged to the shipping interest. Let it be charged to the Consolidated Fund.

Mr. MITCHELL said, the complaint made by his hon. Friend applied with equal force to the Trinity Board, where the same yachting and festivities went on with the same irresponsibility.

Colonel DUNNE said, he must protest against the balance of the Irish accumulations being transferred to England, on the ground of the expenditure upon Kingstown harbour. This was another step towards that centralisation which had already so grievously injured the country.

Amendment *withdrawn;* Clause *agreed to.*

Clause 6.

Mr. HENLEY said, that there was no provision for the management of pensions and charities.

Mr. LABOUCHERE feared that the operation of this clause would hold out to the existing Boards to be lavish in granting pensions before the passing of the Act.

Mr. CARDWELL said, this subject would come under consideration more properly upon the 12th clause. But nothing could be more honourable or straightforward than the proceedings of the Trinity House on this subject, for they had, since the correspondence with the Executive Government, acted precisely in the spirit of the Bill. He had no reason to suppose that the other boards would do otherwise, but, if they did, the Board of Trade would have the power of revising their Acts.

Mr. LABOUCHERE begged to explain that he had no intention to make any imputations against the Trinity Board.

Mr. DIGBY SEYMOUR would suggest that the local authorities at seaports should have the privilege of recommending persons for pensions.

Mr. CARDWELL replied that the habit of placing pensioners upon the list would now cease. Hereafter, no pensions would be paid except in those cases where promises had been made by the Trinity House before the passing of the Act.

Clause *agreed to.*

Clause 7.

Mr. HENLEY said, he wished to call the attention of the President of the Board of Trade to the working of the latter part of the clause, which he was afraid would have an injurious operation. The bodies whose duty it was to supply deficiencies might hesitate in doing so if they had any reason to fear that any item would be objected to by the Board of Trade; and it might happen that if a light-vessel got adrift, such hesitation in supplying the deficiency would be productive of serious injuries to the shipping interest.

MR. LABOUCHERE said, he quite agreed that it was of the utmost importance that the bodies to whom the working of this Bill was intrusted should not be afraid, in case of any deficiency occurring, of immediately repairing it; but he did not share in the apprehensions of the right hon. Gentleman, for he did not understand why there should not be the most cordial understanding between those bodies and the Board of Trade. He was, however, of opinion that all expenditure incurred should be subject to the most strict control.

MR. CARDWELL said, that it was not intended to consider the items of expenditure incurred by those bodies in a niggardly spirit; but he did not think it was expedient that they should have the power of incurring expenditure subject to no control. It was proposed by this Bill to make them accountable to the President of the Board of Trade, who, in his turn, would be responsible to Parliament.

MR. HENLEY said, he did not entertain any apprehension of the items of expenditure being examined in a niggardly spirit; but what he feared was, that the operation of the clause would be to divide the responsibility, and that was not, in his opinion, desirable.

Clause *agreed to.*

Clauses 8 to 13 were also *agreed to.*

Clause 14.

VISCOUNT GODERICH moved to leave out the proviso at the end of this clause, and substitute in lieu thereof the following:—

> "Provided that, in addition to the duties hitherto performed in consideration of the said ballastage rates, the Trinity House shall place their ballast on board of, and unload ballast from, all ships requiring to be so ballasted or unballasted; and they shall be entitled to charge for such additional duties such reasonable rate per ton for ballast so placed on board, or unladen, as Her Majesty, by Order in Coucil, may from time to time approve."

MR. CARDWELL said, he thought the matter had better be left to the discretion and judgment of the Trinity House.

Amendment *negatived.*

Clause *agreed to.*

Clauses 15 to 19 were then *agreed to.*

Clause 20.

MR. LABOUCHERE said, that this clause gave a power to Her Majesty in Council to appoint inspectors in certain cases after complaint made; he thought it would be far better to make this a general power. This would be better than waiting to institute inquiry until complaints were made.

MR. CARDWELL said, that general approval had been expressed of the management of the lighthouses, and that he thought the object of the Bill would be better promoted by not implying any suspicion on the conduct of the bodies who had them in charge.

MR. HENLEY said, he agreed in thinking that it would be better to make a general inspection, than merely to cause an inquiry where a complaint was made.

MR. HUDSON said, that if the Board of Trade were to cause an inspection, they would have to make the inspection an annual one. He thought it would be better to leave the matter in the hands of the Trinity Board.

MR. CARDWELL said, he would consider the suggestions thrown out by hon. Gentlemen.

Clause *agreed to.*

Clause 21 omitted.

Clauses 22 to 26 *agreed to.*

Clause 27.

MR. LABOUCHERE said, he would take this occasion to ask the right hon. President of the Board of Trade what progress had been made in winding up the Seamen's Fund?

MR. CARDWELL said, that considerable progress had been made. It was anticipated that only 180,000*l.* would be realised, whereas 210,000*l.* had been already got; and, therefore, the sum which the country was bound to provide would be less by 30,000*l.*

Clause *agreed to;* as was also Clause 28.

Clause 29.

CAPTAIN SCOBELL said, he must protest against the anti-national spirit in which this clause was framed, and he would predict that, if adopted, it would engender a spirit of disappointment, if not disaffection, among the seamen, and drive them in disgust into the service of the United States. The law which this clause would alter had continued in force since the time of Charles II., and it provided that vessels engaged in foreign trade should not have more than 25 per cent of foreigners in their crews, while it prohibited the employment of any foreigners whatever in the coasting trade. The reason for the latter provision was obvious: the coasting trade was the home nursery for seamen. He might be told by the President of the Board of Trade that this question was the very pivot of free trade; but let the House remember that when the Navigation Laws were discussed, in 1849, a free-trade Parliament had rejected these very manning clauses. It was his duty to warn the Government and the House that the adoption of this clause would produce most disastrous results. He had received many letters, informing him that at certain ports the seamen had entered into a common agreement pledging themselves, if the clause should be adopted, to enter the American service. At Liverpool a large meeting of seamen had been held to consider the clause, and when it was suggested that they should petition the House of Commons against it, the answer was, "We have petitioned it long enough; we will now petition the President of the United States." It might be said that this clause was the completion of free trade. Shame upon such a doctrine! Were we to make our seamen the subjects of barter—to buy them like slaves in the cheapest and sell them in the dearest market? Its effect would be to enable the shipowner to traffic his crew, and to exchange them for the seamen of Norway, Sweden, or Holland. This was one of the most important questions which could possibly occupy the attention of Parliament, because if British seamen were driven from the mercantile marine, we could no longer expect to retain the supremacy of the seas. Let them remember what Napoleon—Napoleon the Great—had said: "Give me the command of this Channel for three days, and I will land 100,000 men on the coast of England." There was no doubt that Napoleon could have done this, and would have done it had it not been for the battle of Trafalgar. Much had been said about maintaining the dignity of the British flag, but Parliament was now about to entrust the keeping of that flag to a crew of foreigners. We refuse to admit foreigners into the House of Commons, or into our dockyards, or police, and yet we were ready to place them in the van of our protective power. Recollect that every foreigner who might be employed must displace an Englishman. Imagine, too, the confusion which must prevail on board a vessel where foreigners of different nations were employed on account of the variety of languages spoken. For his part, he would compel these foreign crews to sing "Rule Britannia" every morning, the master accompanying them on the French horn, and the mate on the German flute. There was another important consideration connected with this subject: our national honour would be committed to the charge of foreigners, and if our flag should be insulted while under their charge, we must claim, and, if necessary, enforce redress. What could be more absurd than to allow our ships to be manned with foreigners at the very moment when high authority had announced the practicability of an invasion of the country? The President of the Board of Trade knew nothing of the feelings or habits of seamen; he was not old enough to know anything of war, though, perhaps the battle of Waterloo might have celebrated his chistening. The right hon. Gentleman had been put forward to move this clause by persons who wished to keep in the background. He entreated the shipowners to pause for their own sakes before supporting the clause. If their ships came to be manned exclusively, or in great part, by foreigners, the charge for insurance would be much increased. What a time to select for bringing forward this unpatriotic proposal! Russia had in the Baltic a fleet perfectly manned. In the Black Sea she had a fleet perfectly manned. We, too, had a good fleet near the Black Sea when it was united with that of France—not otherwise—and would France always be our ally? They had now a fleet at Spithead. Spithead had become a sort of naval Chobham for the exercise of vessels of war; but why were not those vessels sent to sea, or ventured to the back of the Isle of Wight? In the French fleet no foreigner was taken, for they knew too well the value of keeping up their marine for that. He believed that America was destined to be our great antagonist upon the sea, and that a generation would not pass away before his words would be verified. America had already upwards of 20,000 British seamen in her service; and in the late war it was found, when English and American frigates closed in action, that the American had numbers of English seamen on board, and that they had christened their guns by the names of the English ships in which they had served. He assured the House that he was speaking with as much earnestness for the safety of the country as if that safety was in his own keeping. There were 47,000 seamen in league together on this subject, and they had passed a resolution pledging themselves to avoid the Navy or quit the country if this clause were passed. They were casting the safety and honour of Her Majesty's dominions away by sanctioning this policy, for it was inimical to the very best interests and security of the country. They had the evidence of Lord Brougham that Belgian seamen could be had for half the wages of the British seamen, and inferior food, and, that, if war were declared with England 56,000 British seamen would be found in the service of foreign Powers. The right hon. Gentleman the Member for Taunton (Mr. Labouchere), when President of the Board of Trade, had said that it was impossible for us to keep up an efficient naval power without a powerful mercantile marine. The right hon. Gentleman the Member for Portsmouth (Sir F. Baring) had also said that the effect of the clause would be to throw the entire trade open to unqualified competition, and to enable a shipowner to man his vessel altogether with foreigners. Again, the *Economist* even, which might be regarded as an authority, had admitted that the effect of the clause would be to enable the shipowners, by employing foreign crews, to withstand the unreasonable demands of the British seaman. But these unreasonable demands were merely applications for increase of wages, and surely seamen were as much entitled to share in the general prosperity in this respect as any other class of the community. There was also the testimony of Lieutenant Brown, who ought to have been an admiral long ago, but who was now the secretary for the registration of seamen, and that gentleman had said that the seamen looked upon their registration ticket as a proof that they were British seamen in contradistinction to foreigners. The First Lord of the Admiralty found it difficult to get seamen now; but the difficulty would be greatly increased if the clause should pass. There were causes now existing—to which it was unnecessary more particularly to allude—which indisposed men to enter the Royal Navy; the First Lord of the Admiralty was trying to turn landsmen into seamen for the Navy, but by no system of training could you make a sailor of a landsman. You never could have a good seaman without bringing him up to the business from a boy. We had lately gone to considerable expense in embodying militia, and now it was proposed that our primary defence, our ships, should be intrusted to foreigners. Why not have foreign militiamen as well as foreign seamen? The permission to employ foreign seamen was not limited to the foreign trade—it was extended to the coasting trade. Why, this was a suicidal act; it was downright madness. If the President of the Board of Trade persevered in retaining this clause in the Bill, he ought to be placed in the lunacy ward. [*Laughter.*] Really, he was speaking sincerely. If his voice should never be heard in that House again, he should rest satisfied, conscious of having fulfilled his duty. He spoke on this subject as if the safety of the nation were in his hands, and, knowing the responsibility which rested on the occupants of the Treasury bench, he could not for the life of him understand how they could sit calmly looking on, and thinking perhaps, in their own minds how they would cut him up by and by. He cared little for what they might say, for he knew that on this point he should have the country with him. The wages of foreign sailors were, he understood, not above one-half of those ordinarily paid to British seamen; but he did hope that the shipowners of this country would not be induced, by a desire of obtaining men who would take less wages and eat inferior food, to advocate a step which must be hazardous to the defences of this country. [The hon. and gallant Member then read extracts from the evidence given on this subject by eminent authorities, advocating the importance of the merchant service as a school for training seamen for the Navy.] At the present time every labourer was trying to get as high wages as he possibly could, and he did not see why sailors should be excluded from that competition. He would advert to a statement made in another place to point out what he considered a fallacy in it. Lord Grey, in speaking on this subject, said, that as German sugar bakers were allowed to come and exercise their occupation without restriction in this country, he saw no reason why foreign sailors should not be allowed to come in the same manner; but he would ask the Committee to consider what analogy there could possibly be between seamen and German sugar bakers. The mere fact of the presence of foreign sugar bakers in this country could have no influence whatever on our national defences, while they would certainly be impaired by throwing discouragement in the way of the seamen of this country. He felt it his duty to state, that even at present, to his knowledge, many English seamen had obtained American protection. He would appeal to the hon. and gallant Member for Gloucester (Admiral Berkeley) who, when examined before the Committee, said, that we ought not to give up manning merchant vessels with at least a large number of British seamen. The only naval authority who had ever, to his knowledge, spoken in favour of the clause proposed was Sir James Stirling, and he had laid himself open to severe strictures; and he considered his evidence completely neutralised by that of the hon. and gallant Member for Gloucester and others. The forecastle men and the captains of tops and able seamen had nearly all been brought up in the merchant service; and he did hope that, after the authorities which he had adduced, Her Majesty's Government would pause before pressing this clause. It was a clause of only four lines and a half, and it was hard to know at first what it really meant, for it only provided for the repeal of certain existing Acts of Parliament. He would not trespass longer on the time of the Committee, but he would only say, that he had placed before them a question of the utmost importance, for he felt the question of the state of defence of this country to be one of the most important points which could be brought on for discussion; and the matter which the Committee had now to determine was of a more weighty nature than any they had lately been called upon to decide. If this clause were passed, the effect of it would be to outrage and trample upon the feelings of the sailors of this country, and that to the advantage of the foreigner and the shipowners, if advantage it really were to them. He contended that the effect would be most injurious, and he wished that some shipowner would get up and repudiate the charge of wishing, by foreign competition, to reduce the wages of the British seaman. It might be true that at times the English sailor would ask a higher rate of wages than a shipowner felt disposed to pay him; but that was no reason for a wholesale introduction of foreign sailors into our mercantile Navy. The question was one of considerably more importance than the India Bill, for here it was proposed, for the first time, to repeal laws which had existed for upwards of 200 years, and under which the safety and honour of the country had always been maintained. He trusted that in a question of such paramount importance the independent Members in that House, and those who might waver in their opinions on this subject, would side with him, and that even if the working of the present system were, in point of fact, a source of some evil to certain individuals, they would still think that the national security ought not to be sacrificed for individual advantage. The seamen already displayed reluctance in entering the service; but if this clause were passed, their feelings would be outraged, and they would display more reluctance still, and a blow would be inflicted upon the prosperity which now fortunately pervaded the length and breadth of the land. While the Navy was on a good footing, the defence of the country was secure; but diminish its efficiency, as the passing of this clause would unquestionably do, and there would be nothing to rely upon to avert the horrors of war from our own shores. He trusted that the Committee would not consent to the clause.

ADMIRAL WALCOTT seconded the Motion.

MR. LABOUCHERE said, he considered the hon. and gallant Officer's anticipations relative to the operation of this clause on the seamen's labour market as altogether illusory. The clause would not deprive a single British seaman of employment, nor would it benefit in any appreciable degree a single shipowner. Independently, however, of these considerations, the clause was open to serious objection. By the existing law three-fourths of the crew of a British vessel must be composed of British seamen, and be commanded by a British captain. It was in the power of the Crown at any time to relax this law by an Order in Council, and to permit a large proportion of the crew, or even the whole of it, to be composed of foreigners. This power was, he believed, uniformly exercised by proclamation at the breaking out of a war, or at any period when, owing to temporary causes, it was difficult to obtain a supply of British seamen. The permission accorded by law of employing one-fourth foreigners in the mercantile marine had never been acted on. The principle of our law was adopted by every other mercantile nation in the world, although the relative proportion between natives and foreigners might vary. Parliament was now called upon to enact a law by which it would hereafter be sufficient for a merchant ship to have what was called a "British owner," without having a single English soul on board, from the captain to the cabin boy. For aught he knew, this "British vessel" might never come near our shores—she might be built at Bordeaux, and navigated by Frenchmen, and trade with every country but England. In objecting to the proposed change, he was actuated by no party feeling. Ever since the formation of the present Government, he had given it his humble support, and he hoped to be able to continue so to do; but this question was of such vast importance that he felt bound to express his apprehension on the subject, even at the risk of appearing to act in opposition. What he had said on former occasions on this subject was, that he trusted the Government, in proposing this important change, had well weighed and considered all the consequences of the step they were inviting Parliament to take. He believed that by this change in their practice they were incurring great danger of another description. His opinion was, that the English sailor was not only the best but the cheapest in the world. He, therefore, did not fear that their interests would be at all hurt by the carrying of this clause. He found that even America, though they had the whole world as a market for their crews, yet always preferred the English sailor. Although, then, he did not oppose the clause on the grounds chiefly relied upon by the hon. and gallant Member (Captain Scobell), he doubted its policy for other reasons. He knew how easily the feelings of English sailors could be worked upon, and how such a measure as this might be made a handle of to wean them from their loyalty. He thought, therefore, that a Bill of this kind was calculated to afford the occasion of much dissatisfaction. He regretted that the Government had introduced a measure which tended so much to excite the sensibility of the British sailor, and to raise the fears—however mistaken they might be—of this valuable class of men. The main objection which he had to the measure was, that he believed it would have the effect of wounding the sensibilities of British sailors, and that it would involve us in a difficulty as to the national character of our ships. Unless, therefore, the right hon. Gentleman was prepared to give them a satisfactory explanation for proposing this clause, he would be compelled to vote against it.

MR. CARDWELL said, the observations of his right hon. Friend had left him not without a hope that before the debate on this subject was brought to a conclusion, the Government would have the advantage of his vote. His right hon. Friend had indeed disposed himself of nine-tenths of all the arguments against the clause, for he had said that after all the British seaman was the best and cheapest in the world, and that this measure would not affect him injuriously. He could also assure his right hon. Friend, that in order to secure the British character and register of the ship, and to guard against the inconveniences to which he had alluded, this measure had not only been most maturely considered by the Government, but that the clauses on this subject had been also considered by the learned Judge who presided over the Admiralty Court. He believed the time had arrived when the Government might safely propose a measure of this kind. As regarded the hon. and gallant Member for Bath (Captain Scobell) it was impossible to doubt his sincerity; but substitute "ships" for "seamen" and his speech was a counterpart of one of those directed a short time back against the change in the navigation laws. It was filled with the same gloomy predictions which characterised those effusions, all of which had been falsified by events. The year last expired was that of all others in which the greatest number of British seamen had been employed. It was also the year in which the greatest number of ships had been built, and, beyond all exception, it was the year in which the greatest entry of British shipping, inwards and outwards, had taken place. Turning to the coasting trade, it would be found that the tonnage of ships entered inwards in 1851 was 12,394,902 tons, while in 1852 it was 12,475,405 tons. The increase was continuing. Comparing the tonnage of the first five months of 1852 with the first five months of the present year, it appeared that the tonnage entered inwards in the first period was 5,420,064, and in the latter 5,495,381. The coal trade presented results equally satisfactory. The quantity of coal brought into London by railway in 1851 was 247,908 tons; in 1852 it was 377,908 tons; that brought by canal in 1851 was 24,206 tons; and in 1852 37,009 tons. In spite of the influence of these causes, operating to reduce the amount of tonnage employed in the coal trade, it had increased from 3,236,542 in 1851, to 3,330,428 in 1852. Wages, which were in one part of last year 3*l.* 10*s.*, had then risen to 4*l.* 10*s.* for all the year round. Comparing the first six months of 1852 with the first six months of the present year, the tonnage of vessels employed in the coal trade appeared to have increased 27,880 tons. All this was in the face of increased competition by railroads. Freights had also increased. The freights of colliers from the Tyne and Wear to London, which in 1851 were from 5*s*. 4*d*. to 5*s*. 10*d*., had risen in 1853 to from 7*s*. 6*d*. to 8*s*. 6*d*. Under these circumstances, it was surprising that any persons should be found endeavouring to fill the minds of that loyal and useful body, the British seamen, with idle apprehensions. [The right hon. Gentleman was proceeding with his argument, when he was abruptly interrupted by the Chairman retiring from his seat, the hour of 4 o'clock having arrived, when, by a Standing Order of the House, the adjournment until 6 o'clock takes place.]

ABOLITION OF THE ECCLESIASTICAL COURTS.

Mr. COLLIER rose to move for leave to bring in a Bill to transfer the testamentary jurisdiction of the Ecclesiastical Courts to the Courts of Common Law and the County Courts. It might be in the recollection of many Members of the House that he some time ago moved for the appointment of a Select Committee to inquire into the whole of the jurisdiction of the ecclesiastical courts. Upon that occasion he attempted an explanation—feeble and inadequate, no doubt—of some of the principal defects and abuses of these courts. He on that occasion called the attention of the House to the nature of their jurisdiction, which he showed to be usurped, and to which they had originally no title. He pointed out that that jurisdiction was spread amongst many courts, such as archiepiscopal, episcopal, rectorial, peculiar, diocesan, and diaconal, amounting in all to not fewer than 372. It was often very difficult to define the limit of jurisdiction of each of these courts. On the last occasion on which he spoke on this question, he showed the inconvenience arising from the present law relating to *bona notabilia*, which occasioned the necessity of obtaining two, and even sometimes more than two, probates of the same will. He called attention to the defective machinery by which the business in those courts was administered, the cases being decided entirely on written depositions, and not upon the *vivâ voce* examination of witnesses. Those courts had no machinery for trying cases by jury. He showed that it was necessary to employ a proctor, and sometimes two proctors, as well as an attorney in them, and thus to incur double charges. He called attention to the enormous sinecures in those courts, by which vast amounts of money were paid to persons who performed no services whatever—some of those sinecure offices were filled by old men, others by women, and some by children, whose services were performed by deputies, and by deputies' deputies. He showed, also, that notwithstanding the vast sum which the public had for so long a period paid in respect of those courts, up to this moment there was no proper registration in the case of wills. The public had not that access to wills which they ought to have, and there was no adequate place for their custody and preservation. Such were the defects in the present jurisdiction of wills, that litigation with respect to a will had often to be carried on in three courts at once—that was to say, in a court of common law, in the Court of Chancery, and in an ecclesiastical court. He reminded the House that commission after commission, and committee after committee, had sat upon those courts, and had uniformly condemned them. That a number of Bills had been introduced into that and the other House of Parliament, for the purpose of dealing with their abuses, but that by some influence or other all these efforts at reforming the ecclesiastical courts had failed. Although reforms had been effected in almost every other department for the administration of justice, the abuses of the ecclesiastical courts, which had been condemned for more than twenty, he might say fifty, years, resisted reform and improvement with the most extraordinary pertinacity and success. He ventured to say that the state of those courts was a reproach to the times in which we lived, and a disgrace to the civilisation of the age. Upon the occasion he referred to, his hon. and learned Friend the Solicitor General was pleased to say that he recognised in the statement which he (Mr. Collier) made nothing but the acknowledged truth; and he understood that the Solicitor General, as well as his learned Colleague the Attorney General, concurred in the opinion that it was necessary to deal speedily and effectually with these enormous abuses. The noble Lord the Secretary of State for the Home Department stated that it was the intention of Her Majesty's Government to lose no time in cleansing out this Augean stable. Many Members took part in the debate, and not a voice was raised in favour of these courts, with the exception of that of his hon. and learned Friend the Member for Tavistock (Mr. R. Phillimore), who, with that judgment for which he was distinguished, did not venture to defend these courts, which he adopted as his clients, but simply spoke *ad misericordiam*. On that occasion, relying upon the assurance of Her Majesty's Government that they would bring in a Bill to deal speedily and at once with these disgraceful abuses, he (Mr. Collier), at the request of the Attorney and Solicitor General, withdrew his Motion, but with an intimation that if the Government were not prepared to deal with the question, he should think it his duty to proceed with his proposed measure of reform. He should state that since then a measure had been sketched out by the Solicitor General—a measure, no doubt, of a somewhat comprehensive character, with part of which he agreed, and from part of which he differed—with respect to these courts. He should have been extremely glad to have seen that measure introduced into that House; but he understood that Her Majesty's Government were not prepared to proceed with any measure whatever on this question during the present Session. He did not say that for the purpose of throwing any blame on the Government. It might be there were impediments in their way with which he was not acquainted; but seeing they were not prepared to deal with the subject, he had resolved, though he knew it was too late to pass a measure through the House that Session, to propose his measure for their consideration. In doing so, he did not propose to go over the ground which he occupied on the last occasion; he had done with the abuses, and would now deal with the remedies. The Bill which he proposed to introduce would deal with the testamentary jurisdiction of these courts, and with the testamentary jurisdiction only. They had jurisdiction over many other matters, such as church rates, brawling in churches, and defamation; and he might be asked what he meant to do with the rest of their jurisdiction? His answer was, that no doubt every department called for the attention of the House, but that the testamentary jurisdiction was their great source of pabulum and nutriment; and it was believed that if they were deprived of that, all the rest of their functions would in the course of time cease. He could only say that if such a calamity should happen, the country, he had no doubt, would support itself under it with fortitude and resignation. It would be a melancholy pleasure, no doubt, to hear the hon. Member for Tavistock announce their funeral oration; but no man was better qualified than he to undertake that office for his clients. He (Mr. Collier) trusted that he proposed to deal with this subject in a straightforward manner. He saw no mode of effectually and thoroughly settling this question short of the abolition of every ecclesiastical court in the kingdom, and transferring all their jurisdiction that was of a useful character to the other tribunals, and having new and efficient ecclesiastical courts, if that were thought necessary, for the purposes of church discipline. The House was aware that the jurisdiction of these courts consisted in granting probates of wills and letters of administration with respect to the effects of persons dying intestate; that they decided all disputes as to the right of probate or right of administration; in other words, their jurisdiction might be shortly stated as comprising all disputes concerning the devolution of the personal property throughout the kingdom. Probate of wills applied to personal property only. At present disputes concerning the devises of real property were tried in the courts of common law in the shape of actions of ejectment, brought by the heir against the devisee, or *vice versâ*, by actions for rents and profits, or by an issue of *devisavit vel non* directed by the Court of Chancery—for the Court of Chancery had hitherto considered itself incompetent to deal with those questions of fact which arise upon disputed devises, and had sent them to be tried by courts of common law. As the law now stood, if there were a dispute concerning the devise of personal property and real property, you might carry on the dispute as to the personalty in the ecclesiastical courts, and from them you might have to appeal to the Judicial Committee of the Privy Council; if you went into the Court of Chancery, with respect to a will, the Lord Chancellor might send you to a court of common law for the purpose of trying issues of fact as to a devise; the matter might be removed from the Exchequer Chamber, and thence to the House of Lords—so that you might have three processes of litigation going on at the same time. Now, he proposed to abolish the testamentary jurisdiction of the ecclesiastical courts altogether; and herein his Bill differed from that sketched out by his hon. and learned Friend the Solicitor General; for his hon. and learned Friend proposed to abolish all the courts except the diocesan. He (Mr. Collier) proposed to abolish them altogether. Then the next question was, what was to be done with this abolished jurisdiction? They must do one of two things: they must either give this jurisdiction to new courts to be created, or to an existing court, or existing courts. Now, the complaints which he had most generally heard were, that we had not too few but too many courts; and he did think that the public had reason, before they were saddled with the burden of a new court, to demand satisfactory explanation, showing that the existing courts were not available for the purpose. He ventured to think that we had existing courts available for the transaction of all the testamentary jurisdiction of the country, in a manner entirely satisfactory, and with very slight modifications. In all questions of law reform, he thought it was of the utmost importance to adhere to established principles, otherwise our legislation would be but patchwork—our laws would be devoid of all harmony. Now, one of the most important principles in legislation recently recognised by the House and approved by the country, was, he thought, that of the local administration of justice—that of bringing cheap and speedy justice, as far as possible, to every man's door. For that purpose, before the county courts were established, a Commission instituted inquiries as to the most convenient divisions of the country for the purposes of the local administration of justice. Inquiries were made as to the situation of the large towns, as to the nature and extent of the population, and its distribution, the state of the roads, and other particulars; and the districts of the county courts were mapped out with a view to the convenience of the public. It seemed to him very desirable to adhere as much as possible, in all further local legislation, to those districts. It was very inconvenient to have many districts for the local administration of justice. We had too many separate divisions of the country already. We had districts of assizes, districts of sessions, districts of county courts, districts of bankruptcy commissioners, and districts of ecclesiastical commissioners. Now, the Scotch, he thought, had the advantage over us in that respect; for, as far as he was acquainted with that country, the divisions of the sheriffs' courts were divisions for all purposes, and certainly for ecclesiastical as well as civil purposes. It seemed, then, important to him to adhere to the districts of the county courts; and he proposed that all wills, respecting which there was no dispute, should be proved in the county courts. He proposed to divide the country into districts, corresponding with the circuit of each county court Judge. Each county court Judge went a circuit, comprising many districts, and he proposed to make that circuit a district for ecclesiastical purposes. He proposed that the will of every person who dwelt at the time of his death within the jurisdiction of the circuit of a county court Judge, should be proved in one of the county courts of that district. By that means, there would be a local administration of justice, and they would, at the same time, get rid of all the difficulties attending the law of *bona notabilia.* At present, if a man died possessed of goods above 5*l.*, out of the diocese in which he died, probate had to be granted by one, and sometimes by both of the Archbishops. He proposed to do away with all this law of *bona notabilia*, which gave rise to great difficulties and expense, as it was difficult in some cases, such as those of a testator dying possessed of railway shares, canal shares, &c., to determine in what particular diocese or province they were situate. That extremely expensive and unsatisfactory system he proposed to do away with entirely, and to adopt a simple system—namely, that of proving a will in a certain ascertained district, within which the testator lived at the time of his death, and with respect to which very few cases of dispute were likely to arise. He proposed, also, to introduce a new system of registration—that was to say, he proposed that every will should be taken to a county court, and there registered; that probate of it should be granted, and that the original should be sent to a registrar general in London, who should have an office for the purpose of registering all the original wills in the kingdom, so that there should be no difficulty in finding any will whatever, by any person. That plan would remedy a very great defect in the present system. In order to carry out this system, he proposed that the county court Judge should appoint one of the present registrars of the ecclesiastical courts to some office which would facilitate the process which he (Mr. Collier) ventured to introduce. That plan would be attended with the advantage of enlisting experienced officers in the management of matters of detail; and, at the same time, of avoiding compensation for abolished offices. He proposed to extend this system of the proof and registration of wills to wills of real as well as personal property; and, he must say, that it seemed to him desirable that their course of legislation should tend, as far as possible, to an assimilation of the law of real and personal property. He had the precedent of the Bill of the Chancellor of the Exchequer to justify his (Mr. Collier's) assimilation of the proof of real to that of personal property. If that were done, the collection of the revenue would be greatly facilitated with respect to the duty upon the devolution of real and personal property. But the jurisdiction of the ecclesiastical courts, at present, might be divided into what were called the common and the contentious forms. The common form was that in which no dispute about the will occurred. He saw no reason of departing, in matters of small moment, from the principle already recognised, of trying disputes in the localities in which they arose. He accordingly proposed, where the property left by the will was of a certain amount—say about 300*l.*—that any dispute relating to it should be tried by the county court Judge of the locality in which the parties dwelt. To do otherwise—to compel a party, in all cases where the dispute was very small, to try his case in London, would be, in fact, to close the doors of the courts of justice against a man. Where the property was small, the property was never worth litigating. It frequently happened that, where the property left was small, and a family dispute arose, the case was never submitted to a court. If the family should be so foolish in those cases as to go to law, the consequences were ruin to all, and probable fraternisation in gaol. He therefore thought that he ought to propose that, with respect to contentious jurisdiction in all matters under 300*l.*, the county court Judge of the district in which the claimants resided, should have jurisdiction in matters of wills. He proposed also to give to the county courts equitable jurisdiction in all matters below 300*l.* He knew it was said that county court Judges were incapable of exercising such jurisdiction. He had read a pamphlet which had been published by the proctors of Doctors' Commons with reference to the proposed reform of the ecclesiastical courts. They set forth that the difficulties and perplexities connected with the proceedings in Doctors' Commons were so great as to make it utterly impossible for any other body of men to transact the testamentary business of the country. According to those gentlemen, all the routine business which was transacted with the greatest ease by the practitioners in Doctors' Commons, was such as to entirely overwhelm men of ordinary understanding. They spoke as if the most serious and fatal consequences would accrue to England if any interference were made with the proceedings in Doctors' Commons. According to their statement, Doctors' Commons was one of the most vital institutions of this country—one without which this country could scarcely preserve its existence. If their statements were true, neither a Russian nor a French invasion, nor the loss of our Indian empire, could operate half so prejudicially to England as an invasion of Doctors' Commons. Now, he ventured to think that the difficulties of the administration of justice in those courts had been greatly exaggerated. It was very easy to puzzle the uninitiated with technical statements and difficulties; but he ventured to say, that if any half-dozen of attorneys or barristers set their heads together, they could produce cases full of technicalities quite as puzzling to the unintiated as those on which the practitioners of Doctors' Commons prided themselves. He believed that the county court Judges could with ease transact the business that he proposed to transfer to them. He had consulted some of the most eminent of the county court Judges on this subject—men who stood high in their profession—and they were unanimously of opinion that the county court Judges were perfectly competent to this jurisdiction. And in making this proposition he was only proposing such a system as had been already adopted in the courts of Scotland. In Scotland the jurisdiction of the commissary court had for many years been transferred to the Court of Session, and he had yet to learn that any difficulty had been experienced by that court in the transaction of the business. In the United States of America, the same principle was in operation; and in our own country down to the time of the Conquest the county courts had this jurisdiction. He had every reason, then, to believe that this jurisdiction might be exercised with perfect satisfaction by the county court Judges. But it was unquestionably necessary that some superior court should have jurisdiction in cases where the amount claimed was considerable, and for the purpose of revoking probates that might have been improperly granted; and for the purpose of appealing against the decision of inferior courts. The question then arose whether the jurisdiction should be given to the courts of common law or of

Chancery. That was a very serious question. He proposed to give this appeal to the courts of common law, and he would shortly state his reason for making that proposition. In the first place, the courts of common law could exercise this jurisdiction without imposing the burden even of another shilling upon the country. No additional Judges would be required, and scarcely any additional expense. The county courts had, of course, abstracted a great deal of business from the superior courts, and the Judges of the latter courts, had in consequence a great deal of time left on their hands, and they would be ready and willing to devote it to the transaction of this kind of business. It could hardly be said that these Judges were incompetent to transact this business, because several of them were already Members of the Judicial Committee of the Privy Council, and as such sat to hear appeals from the ecclesiastical courts. Whether, therefore, he considered the amount of business before the courts of common law, or the experience of the Judges of those courts, he thought he was justified in proposing that they should have jurisdiction in wills where the matter in dispute was of considerable amount. He agreed that expense was not the only object, but that the question was, whether this species of jurisdiction was adapted to the courts of common law or not. The questions which arose before granting probate of a will were such as these:—Was the testator sane at the time of making the will?—Was any fraud or undue influence exercised over him?—Was the will properly executed? As the law at present stood, these questions would be decided in the ecclesiastical court, without a jury, and upon written interrogatories. But, with respect to real property, these questions were now decided by the courts of common law in actions of ejectment and issues of *devisavit vel non.* He, therefore, proposed to retain in the courts of common law the jurisdiction which they now possessed to try the validity of devises of real property, and to give them also the jurisdiction possessed by the ecclesiastical courts in the matter of personal property. Moreover, it should be borne in mind that the Judges visited the provinces twice in the year, and that constituted an important consideration. It was a matter of enormous convenience that persons residing in distant places, as Northumberland or Cornwall should have an opportunity of having these cases tried on the spot, without incurring the expenses of a trial in London. There were other reasons why the courts of common law would be peculiarly qualified to exercise this jurisdiction, because the Court of Chancery had hitherto declined it, on the ground that all those questions respecting the validity of devises were questions of fact for a jury and a common law court to decide, and that it would be a serious inroad on the constitutional practice of the country for a court of equity to decide upon such disputed questions of fact without the intervention of a jury, and with the examination of witnesses *vivâ voce* in open court. He was one of those who thought that suitors ought to have the option of having their causes tried before a single Judge, with or without the assistance of a jury; but if the Court of Chancery was to do hereafter what it did at present—namely, send these questions to be tried by a jury, he asked why should they not send them at once to a court of common law, without requiring the suitors to take a circuitous route and to pay a double toll? But it might be said that the Court of Chancery, having the power to construe a will after it had obtained probate, ought, on the principle of the fusion of jurisdiction which was now so much in vogue, to try all questions subsequently arising with respect to that will. Now, by fusion of jurisdiction, he did not understand that any suitor was to say at his own option that his case was to be tried in one court or another, thus disregarding the careful principle of a division of labour; but he understood by it that, when a court had cognisance of a matter, it was to take full and complete cognisance of such matter. As an illustration of the inconvenience of the existing system, he might mention the case of the bellringing at Clapham, "Soltau *v.* Du Helde," in which the Lord Chief Justice said that he cocld give damage for the nuisance occasioned by the bellringing, but he had no power to restrain it by injunction—for which remedy the party must go to the Court of Chancery. But his principle did not trench on the principle of the fusion of jurisdiction; for it was one thing to try whether a will was valid, and another to decide on its construction and to administer the assets under it. The questions which he wished to refer to the courts of common law to decide were questions of fact, similar to those which fell within its ordinary jurisdiction; and he would leave to the Court of Chancery still to deal with all equitable questions relating to the administration of assets, and all questions of construction. By this course he believed that he should be carrying out the sound principle of fusion. He had stated the provisions of his measure thus fully, because he wished that all the Members of the House should take an interest in thoroughly understanding questions of law. There was no reason why law should be a mystery. He remembered the memorable words of the Master of the Rolls in that House, who said that he saw no reason why any proposition in respect to jurisprudence should be so abstruse that a man of ordinary apprehension could not understand it; that when points of law were very abstruse they were not very valuable; and that many of the technicalities by which the law was surrounded were merely kept up for the purpose of creating costs. Consequently those who wished to reform abuses were desirous of making the case thoroughly understood. He (Mr. Collier) feared that during the present Session nothing would be done in the shape of law reform. A report from the Common Law Commissioners had recently been presented, which was of the most satisfactory character, and for which the country was mainly indebted to the enlightened services of the Attorney General. In that Report the Commissioners took the true direction of law reform, and recommended that the superior courts of common law, which anciently had an equitable and legal jurisdiction (and their equitable jurisdiction they ought never to have parted with), should have an enlarged jurisdiction conferred upon them, so as to enable them to administer full and complete justice in every case brought before them. It appeared then to him desirable to give to the superior courts of common law complete jurisdiction where the matter was above 300*l.*, and the power of hearing appeals from the inferior courts. He would now advert to some other provisions of his Bill. He proposed to add to each county court an officer, to be called the Clerk of Probates, appointed from the experienced officers of the present ecclesiastical courts, and by this means a large amount of compensation would be saved. He also proposed to consolidate the whole metropolitan county courts districts into one Court district for the purposes of this Bill. It would no doubt be necessary to make compensation to those officers who were deprived of office; but he did not think that Parliament would be justified in giving compensation to mere practitioners—to the civilians, and proctors, who, he believed, from their learning and experience, would follow this jurisdiction wherever it went, and whose assistance, he was persuaded, would be eagerly sought after by the suitors. He proposed to give the proctors the power of practising as solicitors and attorneys in any superior court in the kingdom. He would not trouble the House by going through the minor points of his Bill; but he must express his hope that he had made his statement intelligible. It might be said that this was a somewhat sweeping measure; but he did think that the time had come when sweeping measures of law reform were absolutely necessary. Within the last few years they had had many large and sweeping measures of reform—reform in our representative institutions, which he trusted would be followed by a larger instalment of reform next year—reform in our municipal institutions—reform in our financial and fiscal systems; and he hoped that a sufficient Bill for the future government of our Indian empire would be passed during the present Session: but all our efforts in the cause of law reform during the same period had been little better than patchwork. He knew that the country did not take the same interest in matters connected with the administration of justice as in the grant to Maynooth, and the reason was that those who were inclined to agitate were not acquainted with the subject, and those who were acquainted with the subject were not disposed to agitate. The cause of law reform had never had its Covent Gardens or Exeter Halls; and he said it would be creditable to the Legislature if it were to deal with these questions without any pressure from without. Law reform had been left almost entirely in the hands of lawyers; and though it could not be said that they had disregarded it, he was afraid that the legal mind generally laboured under a malady which he might describe as an undue preponderance of the Conservative element—too great an attachment to forms and precedent; and the consequence of this was, that the machinery by which the administration of the law in this country was carried on, had become more inconvenient and cumbrous than was known in any other country. What was old was retained, and what was new was joined on to the old, and many parts of the machinery were so clogged by the accumulation of dust and rubbish from the middle ages that courts of equity were often obliged to intervene to restrain the common law courts from doing what would be positive iniquity. The suitor in equity was often compelled to resort to a court of common law—the suitor at common law was often compelled to resort to a court of equity; and here there was a third system —that of the ecclesiastical—which possessed none of the advantages or recommendations either of a court of equity or of a court of common law. Many men applied themselves to the study of the common law, the ecclesiastical law, or the equity law, separately; but few applied themselves to the study of the laws of England as a whole, and, though they had a number of good lawyers, they had comparatively but few comprehensive jurists. He did trust, then, that Parliament would deal with this matter, and that his learned Friends the Attorney General and Solicitor General would be prepared, if not in the present, at any rate in the next Session, to take up the question. In conclusion, he would venture to suggest to the noble Lord the leader of that House, whose name was associated with so many measures of reform, that there was the new and untrodden field of law reform before him, in which trophies were to be won as honourable as any of those which he had heretofore gained. The hon. and learned Gentleman concluded by moving for leave to bring in his Bill.

Mr. HUME seconded the Motion, saying that the speech which had been made on this subject some time ago by the Solicitor General had given the greatest satisfaction; but as no measure had been introduced by the Government, he hoped that the House would give its best consideration to the measure of his hon. and learned Friend (Mr. Collier), as well as to the clear and able statement by which he had introduced it.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to transfer the testamentary jurisdiction of the Ecclesiastical Courts to the Courts of Common Law, and to the County Courts."

Viscount PALMERSTON: I have listened with the greatest pleasure to the speech made by my hon. and learned Friend in moving for leave to bring in this Bill. Indeed, I may say that this House must be anxious to see the results of the workings of a mind which has showed itself so capable of maturing the whole of a most difficult and complicated subject; for my hon. and learned Friend has proved by his speech that he has dived deep into the recesses of the whole matter. At the same time, my hon. and learned Friend has, I think, shown in the able and comprehensive speech which he has made, that the subject is exceedingly complicated, and full of very considerable difficulties. My hon. and learned Friend said that there is this peculiarity with regard to law reform, that we have had no Covent Gardens or Exeter Halls to agitate on the subject—that the public mind seemed to be careless in regard to it. I think that fact, which is not to be questioned, does in some degree afford a proof that there is some mitigation of the deficiencies which exist in our legal system; for it is plain, if the ultimate results obtained by the administration of the law in this country were not substantially sufficient, there would be then Exeter Hall and Covent Garden meetings crying out for great comprehensive and speedy changes. I think it, therefore, fair to infer from that fact that the ends of justice are generally well and effectually obtained. But this does not affect the fact that these very ends are arrived at by circuitous and thorny paths, through sloughs and quagmires and delays, during which people often break down, and others pass a great portion of their lives without accomplishing any result; and the fact that justice is obtained in this way is no reason why we should not apply a remedy to evils which have been so clearly and so comprehensively pointed out. I can assure my hon. and learned Friend that Her Majesty's Government are not less sensible than he is, I will not say of the expediency, but of the necessity, of applying practical remedies to those evils; but I think he has shown to all those who have listened to his able and admirable speech, that this branch of the subject is peculiarly full of difficulty. It is said that right is a single thing, and that wrongs are multifarious; but here the wrong is single, and the remedies must be multifarious; and this being the case, it is clear that Her Majesty's Government would not be justified in dealing with the matter without very great deliberation, and without perfectly satisfying themselves that the remedies proposed are the best which, in their judgment, can be applied. I have stated on a former occasion that Her Majesty's Government intended to propose a measure. The time of the House, as everybody must know, has hitherto been so fully engaged with other topics, that it would have been utterly impossible for us, even if we had had it prepared, to have launched it with any expectation of carrying it through Parliament during the present Session. Besides, a Commission was appointed by the late Government to consider this subject; and as it is hopeless to bring in a Bill this Session with any chance of its passing, Her Majesty's Government, under the circumstances, have thought that it would be better to wait for the report of that Commission, which, no doubt, would throw considerable light on the subject. All that I can is, that if a measure has not been proposed by the Government, it is not from any indifference on the subject, or from any change in our intentions with respect to this matter; but it has arisen, first, from the great pressure of public business in this House; and, next, because we thought it better, rather than laying a Bill on the table, and letting it stand over until next Session, to delay proposing any measure until we had the benefit of the report of the Commissioners, and the leisure which the recess affords for deliberately weighing the propositions which it may be our duty to submit to the House. The Government agreed most frankly to the bringing in of this Bill. I therefore beg to assure my hon. and learned Friend that I trust Her Majesty's Government will be able themselves, at an early period of next Session, to propose some measure on this subject which will be calculated to correct the evils which he has so fully and so ably pointed out to the House.

MR. HADFIELD thought the country had just reason to complain of the grievous annoyance and inconvenience to which it was subjected, in consequence of the existence of those evils to which the hon. and learned Gentleman (Mr. Collier) had alluded; and he regretted that so long a period had elapsed without the introduction of any measure on the part of the Government. He was grieved to say that the confidence of law reformers generally in the present head of the law was not so great as in his predecessor. He must say for himself and his constituents that great confidence was placed in the late Lord Chancellor, but that an equal confidence was not felt in the present one. He must further observe that the country was much disappointed that the scheme of law reform, so ably indicated by the present Solicitor General, had been laid on the shelf; and he believed the fault did not lie with the Solicitor General, who found himself fettered, and could not perform the promise which he had conditionally made to the House. He feared that hon. and learned Gentleman could not afford to him that aid which he would be otherwise disposed to give, in carrying through that small measure which stood on the paper for to-morrow. The question of law reform was one of the greatest importance —it was one which involved an immense amount of property; and it could not be denied but the present state of the law inflicted losses and inconvenience, not only on the owners of large properties, but on small properties, to an incalculable extent. It affected the whole personal property of the country—funds, railway shares—in fact, hundreds of millions. He felt sorry that the measure of the hon. and learned Member for Plymouth would not afford any relief to Ireland or Scotland—it simply related to England and Wales. He would just mention a few cases to show the evils of the existing system. In one case, where four members of one family died in five years, the executor was obliged to prove the wills in York, Canterbury, and in Ireland, and to take out confirmation in Scotland—ten probates and two confirmations were obliged to be taken out in five years on account of that one family. In another case, where a testatrix had 580*l*. in the funds, the cost of the probate, including 11*l*. duty, was 60*l*. He had lately received a letter from a highly respectable gentleman relative to a property wholly in Cheshire. It appeared that an Act had been passed for amalgamating a railway with the London and North Western; and after taking the first probate, it became necessary to prove a second time, to enable him to give a title to the shares in consequence of the amalgamation, and the principal office having been removed from Manchester to London. In a case which occurred at Sheffield, two administrations to recover property of the value of 50*l*., cost 22*l*. In the case of one small estate in Ireland, the proofs exceeded the value of the property. In another case, a testator died, leaving property under 100*l*. in value; but it being necessary to take out probate in Chester and Canterbury, the cost was nearly 20*l*. In one case with which he was acquainted, the cost to recover 25*l*. was 20*l*.; and in another case the expenditure attached to the probate at Canterbury exceeded the amount of the property. He would like to hear something from the Government a little more specific than they had yet heard; and he also desired to know when the promised report of the Commission would appear, and whether the public might be assured that in the next Session of Parliament a measure would be brought forward, by which those intolerable grievances would be remedied. The country had a just claim on the Government to remove those annoyances, inconveniences, and caprices, since a new system of fiscal regulations was to be imposed, by which increased revenue was to be derived from the property affected by these courts. It would gratify the public if the Government would state their intentions, so that they might inform their constituents on the subject.

Sir BENJAMIN HALL said, as his noble Friend the Secretary of State for the Home Department had assented to the proposition of the hon. Gentleman to bring in this Bill, he would not now take up the time of the House by offering any very extended observations on this subject. Still he must say one or two words on the general question. When his hon. Friend the Member for Plymouth brought forward a Motion on a former occasion, and moved for a Committee to inquire into the abuses of Ecclesiastical Courts, it was objected that in 1850 a voluminous report with the evidence was laid before the House, which went so fully into this question; that it was almost impossible to conceive any further inquiry was either necessary or expedient. His noble Friend had truly said that this was a very complicated subject; he (Sir B. Hall) thought that that was the very reason why the Government themselves should have brought in a Bill in preference to allowing an independent Member to undertake a task so important. With reference to the Commission which was now sitting, no statement had been made by any Member of the Government as to when that Commission would be likely to make a report; and, consequently, they did not know whether they would have time to consider that report previous to the introduction of a measure by the Government during the next Session of Parliament. But from what had fallen from his noble Friend, he thought it possible that that report would be made before the end of the present Session, or, at any rate, during the recess, so that there would be time to consider a Bill before Easter next. The hon. Gentleman had said truly, that although the public mind had been attractd to the subject by the statements continually made in reference to those abuses, no great meetings on the question had been held in Exeter Hall or in Covent Garden, as when other points of great magnitude had been brought before the House; and his noble Friend, in alluding to this statement, had come to the conclusion that the ends of justice had been, generally speaking, attained. But the abuses of these courts had attracted public attention, and many other great abuses had been reformed without such meetings; and was it to be supposed that these meetings must be invariably held before they were to expect the reform of public abuses? If such an announcement was to be made by a Minister of the Crown, he (Sir B. Hall) would undertake that Exeter Hall and Covent Garden, and Drury Lane as well, could easily be filled to discuss that subject in a week. But when his noble Friend said that the ends of justice had been attained, he would call his attention to a recent correspondence which had taken place between the Bishop of Bath and Wells and Archdeacon Denison. It appeared, so far as his memory served him—and he regretted that he had not brought the papers down to the House—that the Archdeacon intimated to the Bishop his desire that some question, in reference to ecclesiastical discipline, should be considered by the Ecclesiastical Courts; and the Bishop replied, that while he should be happy to see the question tried before these courts, and that he would offer every facility for that purpose, the expense of a cause before these tribunals would be so great that it would be impossible for him to undertake it, even in a question of so much importance to the Church. Such a statement coming from one of the dignitaries of the Church—one who was to some extent the president over one of these courts, and had the appointments of its officers, ought to show the Government the necessity of bringing in a Bill so necessary to the interests of the laity, that the subject might be fairly considered, and that the expenses might be duly diminished. In order to show that the attention of the public really was very much attracted to these abuses, he would quote one or two statements from a paper which had been extensively circulated by hundreds and thousands, and several copies of which had been sent to him, which included an extract from a return which was laid upon the table of the House in the spring of last year, and which set forth the enormous sums received by the various officers holding sinecure appointments in those courts. The effect of these sinecures was to render the administration of justice so expensive, that in the case just referred to, the bishop himself was compelled to abstain from trying a question of the very greatest importance to the interests of the Church. There was one case which particularly excited public attention —he might almost say disgust—it was stated in that paper that one individual, whose name was mentioned, had held his sinecure office fifty-three years, during which period he had received 577,399*l.* In the diocese in which he (Sir B. Hall) resided, there was a rev. gentleman, of whose name he had never heard, at any rate for the past forty years—the Rev. R. Watson —who was appointed at the age of five years registrar of the Ecclesiastical Court. He was the son of a bishop, and had held his office for fifty-nine years, and received altogether from that sinecure office 40,803*l.*; and, not content with that, the right rev. Prelate, his father, got him appointed to a registrarship, also a sinecure office in this diocese, at the age of eight, and this he had held for fifty years, and received 27,720*l.* from this source for literally doing nothing. There was another who had received a similar sum in the diocese of Norwich—a diocese in which there were some of those appointments well worthy of the consideration of the House—a Mr. Bathurst appointed at the age of six; he had received 13,600*l.* from his office. There was also the Rev. E. Bathurst, appointed at the age of ten years, who had received from a similar appointment 38,000*l.*; another in the same diocese had received 16,800*l.* The paper showed that the total sum received by sinecurists, according to the returns presented to that House, for offices in connexion with these courts, for which they had done nothing whatever, was 1,146,128*l.* 14*s.* 9*d.*

MR. HUME: These are living sinecurists?

SIR BENJAMIN HALL replied in the affirmative, and added that they were now going on receiving the money, and doing no duty whatever. The paper, however, from which he read these extracts was very incorrect as regarded the total amount; for it appeared to have been drawn up before the remainder of the returns ordered by the House had been presented; and, consequently, the sum of 1,146,128*l.* fell very far short of the whole sum which subsequent returns prove to have been received by the sinecurists. The hon. Baronet concluded by expressing a hope that some full, comprehensive, and efficient measure would be introduced to correct these abuses.

The ATTORNEY GENERAL said, there was one thing on which he took it they were all agreed, both in that House and out of it, and as to which even Doctors' Commons hardly ventured to raise a dissenting voice—namely, that the jurisdiction of the ecclesiastical courts in matters testamentary did require great and complete reform. But, on the other hand, it must be admitted that the mode of carrying out that reform was a matter of considerable difficulty. Whether they should establish one single court apart for the purpose, with all proper guarantees for a good and simple system of procedure, the evidence being taken in the manner in which it was taken in the courts of common law, was one question. On the other hand, whether they should transfer the jurisdiction to some other court, and, if so, whether to a court of common law or to a court of equity —the one possessing a peculiar aptitude for the trial of wills, the other having better machinery for the administration of the property of a person deceased, was another question. At the same time, he did not mean to say that was not a question with which the Government might perfectly well grapple; but it did so happen that there was sitting at that peculiar conjuncture a Commission of persons of very great ability; and, under these circumstances, it was deemed better to wait until they had reported the result of their deliberations, and to see what measures they might recommend to the consideration of Parliament. They had been led to suppose that the report was on the eve of publication; and the moment it was before the House it would be the duty of the Government to turn their most anxious attention to the subject. In the meantime, the House would agree with him that they and the country were largely indebted to the hon. and learned Member for Plymouth (Mr. Collier) not only for having brought the subject forward, but for the care and attention which he had bestowed upon it, and the singular ability with which he had placed it before the House. Every one must rejoice at the manner in which the subject had been discussed and ventilated; all were agreed on the necessity of some measure, and he trusted that another Session of Parliament would not pass over their heads without a great reform on this subject.

Mr. DUNLOP said, that as far as Scotland was concerned, they already possessed a speedy and cheap mode of administering justice in these matters by means of the Sheriffs' Courts, and he was happy to say that they did not require any measure on this matter for that country.

Mr. A. PELLATT thanked the hon. and learned Member for Plymouth for introducing a Bill to remedy these abuses, which would prove a great boon to the commercial portion of the community.

Leave given.

Bill ordered to be brought in by Mr. Collier and Mr. Hume.

FACTORIES.

Mr. COBBETT* rose to ask the House to give him leave to bring in a Bill to limit the hours of labour of women, young persons, and children, in factories, to ten in the day for the first five days of the week, and seven and a half hours on Saturday; or, in other words, practically to restore the Ten Hours' Bill of 1847, and to include, as it were, in that Bill children from the age of eight to thirteen, who had hitherto been excluded from it. He had been strongly urged by a large number of his own constituents, and by others in the factory districts, to bring in a Bill which should both shorten the hours of labour, and secure a perfect inspection of factories. He would briefly recall to the House the state of the law upon this subject. In 1833 an Act was passed which made the factory day, in point of fact, one of fifteen hours' duration, since it provided that labour should commence not earlier than half-past five, and should terminate not later than half-past eight. In 1844 another Act was passed by which the labour of young persons between the ages of twelve and eighteen, and of all women, should be limited to twelve hours a day. That Act also permitted children from eight to thirteen years of age to work six and a half hours each day, so that it was competent to manufacturers to employ two sets on any one day, and thus it created in effect two factory days. In 1847 the Ten Hours' Act passed, limiting the labour of women and young persons to ten hours a day. This left the law so that where millowners chose to employ two sets of young children and adult males they could work a large number of hours, while those who employed women and young persons could work only ten hours a day. This led the millowners to endeavour to escape the effects of the Act, which they accomplished by adopting what was called the "shift" system. They took advantage of Clause 26 in the Act of 1833, which did not define that the labour of women or young persons should be taken in ten consecutive hours, and, by employing a larger number than they actually required, and shifting them into the mill as others came out, they were enabled to effect their object. By that mode the Act of 1847 was successfully evaded. Its operation of course caused great dissatisfaction among the work people, and those millowners who chose to run their machinery only the legal number of hours, worked at a great disadvantage. At length it was agreed, after many convictions had taken place, and after various appeals to the Quarter Sessions, that a case should be submitted to the Court of Exchequer. That was done. Elaborate arguments were heard, and the learned Barons came to the conclusion that though they had no doubt, morally speaking, that the intention of the Legislature was to restrict the labour of women and young persons to ten consecutive hours of the day, yet that the words of the statute were not strong enough to render the carrying out of that view of the law imperative, and that working therefore by the system of shifts was not an infringement of the Act. This decision naturally led to a great desire upon the part of the operatives for an amendment of the law. He should here state that the working of the Ten Hours' Act of 1847, so far as it had been carried out, had proved most beneficial. This was clearly proved at a meeting held at Manchester on the 14th of April, 1849, when the hon. Member for Ashton-under-Line was present, and when a number of deputies and delegates attended and stated what the effect of it had been in their several districts. These persons entered into very detailed statements on the subject. They were the overlookers and managers of factories in their several districts, and were the persons best acquainted with the working people and with the working of the Act; consequently, he was giving to the House the very best testimony that could be given on the subject of the efficiency of the Ten Hours' Act, where it had been carried into effect. He would now quote from the appendix to a report of the speech made at this meeting by the hon. Member for Ashton (Mr. C. Hindley), in which the statements of the delegates were set forth.

Here the hon. Member read the following extracts :—

"The delegate from the Manchester Spinners Committee said the people employed the two hours allowed by the Act very well indeed. A number of the men he had worked with were now going to school, and there was a prospect of their being good scholars in a short time. Wages had considerably advanced, and were higher than before the Ten Hours' Bill passed. Many of the men in this branch were now cultivating small plots of garden ground ; the females were attending decidedly better to their domestic duties, and the men were made more comfortable at home. Of the females who were subjected to the shift system many were spending their interval of time in the beer-houses.

"On behalf of the Short-Time Committee, the answers were, that the females and young persons were much more at home attending to their social, domestic duties, and the young especially were attending better to moral and religious education. The fathers of families in numbers of instances were attending to the education of their children. The wages of the hands had not been reduced in proportion to the time of working. Indeed, the hands in many cases were now receiving as much for ten hours' work as they had received for twelve in the year 1844.

"On behalf of the power-loom overlookers, the report was to the same effect. Where the Bill had been fairly and fully carried into effect, the delegate stated that the improvement in the physical aspect of the workers under him was such as he could not persuade the meeting to believe unless they saw it for themselves. The moral disposition of these hands was also undergoing a most satisfactory change. Before the Factory Act came into operation he had noticed the avidity with which the young men would rush into the first jerry shop after leaving the mill, often followed thither by the boys to get some of the drink. Now, since they got away at the same time with their wives—for many wives worked in the mills with their husbands—early in the evening, they would be seen walking off home with their wives. The children, too, were being sent to school all clean and tidy, and many of them actually teaching their fathers the lessons they learned at school. There was now such a disposition to get learning, and to render themselves respected and respectable members of society, on the part of the factory operatives as only those who have seen it will believe. As to wages, he could state that in the weaving department the same quantity and quality of work were now generally produced in the mills in ten hours, that were formerly produced in twelve hours, and there was more money for the same amount of work. The reason of this was obvious. It was better work, and there was not the perpetual abatement which used to be taken off for bad work.

"At Astley Bridge all the mills were worked in accordance with the law. A school for factory operatives had been set up, called the 'Sharpus Institute,' open three nights a week. It had a body of ninety-five members, chiefly factory operatives and supporters of education to the rising generation. The females had been more able to attend to their domestic duties, and the men were decidedly more comfortable. The masters were considering about the erection of schools.

"The men, by hundreds, are to be seen at their small plots of ground. If you were here you might see them going to their plots of ground with their shovels and spades on their shoulders, eager as possible to get to their gardens ; others are engaged in teaching at night-schools, and some go to those schools to learn. The young females as well as wives, are improving in every respect ; they are fresher in appearance; more clean and active, the wives are attending better to their domestic duties, and we find their homes improved. There have been some schools opened for the purpose of learning the young females to dressmake, and a great number are attending ; one man told us his daughter had there learned so that his wife and daughters could make their own dresses, and this instruction is given by some benevolent ladies in the town voluntarily. The wages are as high as when they worked twelve hours per day, and in some cases higher ; and in every way the working people, both young and old, are in better circumstances, and the result is more comfort and contentment. Let us work on in the good cause, and not be weary, and be assured that God will cause right to triumph over might.—I remain, yours in the cause,

"JOHN RAWSON."

He was sorry to weary the House by reading these extracts, but he wished to establish the facts that the Ten Hours' Act, when carried honestly into effect, had fully answered the objects of its most sanguine friends, and had completely falsified every prediction that had been uttered in that House and elsewhere adverse to its principle and proposed effects; nay, he might say that, of all legislation that he remembered, this was the most signally successful; and the extracts he had read went to prove that without doubt. At the meeting of delegates the hon. Member (Mr. C. Hindley) spoke, and denounced the vicious system of "shifts" that he had just described; but went on also to recommend the meeting to adhere firmly to the Ten Hours' principle, and to obtain, as well for the sake of the adult men as for that of the young children, an abolition of the system of relays instituted by the Act of 1844. The hon. Member (Mr. C. Hindley) recommended, in short, precisely that which would be found embodied in his (Mr. Cobbett's) Bill—namely, a limitation of the hours of work of women and young persons to ten in the day, and an abolition of the relay system of working the children. That would cause all to work in one uniform day of ten hours, and that both he (Mr. Cobbett) and the hon. Member for Ashton contended for. He would now read an extract from the speech of the hon. Member for Ashton delivered on that occasion, because the hon. Member had always been a Ten Hours' man, and spoke with the authority of a practical manufacturer, which would doubless lend greater weight to his words. The hon. Member here read the following extract from the speech of Mr. C. Hindley:—

> "It may be said, and will be said by the Government, if they introduce a measure—'We do not interfere with the principle of the Act, which is that no young person shall work more than ten hours a day.' I am anxious to press this point on your attention, because I know a great deal of stress has been laid upon it, and will again be laid upon it if the relay system is brought forward in Parliament. It will be said—'We are not at all affecting the principle of this Act; we are protecting women and young persons from working more than ten hours a day, just as we did before; and, therefore, in order that the machinery may be employed for a longer period, we think it but reasonable, observing the principles of the Bill, and protecting women and young persons, that we should allow the system of relays.' That will be the argument. It is not necessary for me to answer this argument here; but it may be in the House of Commons. There are two reasons why this system should not be allowed. In the first place, is there no consideration for adult men? You have already put them in connexion with, and chained them to, the mule, and to the loom, and to the engine; you have bound them to iron, and to brass, and to steel; and you are now—whilst they had before certain protection in the physical weakness of the women and youth with whose working they were associated—you are now going to infuse fresh life and blood into those beings with whom they are to be co-workers on the relay system; so that the question is now to be as to the adult male, whether he shall be worked to death or not?—fifteen hours a day!—sixteen hours a day! Allow the relay system, and who will tell where mammon will stop in its attempt to destroy men's lives? For my part, I can regard it as little less than murder; and I trust the Legislature will never allow a system to which such strong objections may be offered. The argument on the other side will be—'But these are freemen. You talk of their inevitable connexion with brass and iron! Those are all figures of rhetoric.' Aye! are these figures of rhetoric? We know here they are practical facts. Talk of freedom! The man in a factory is not free."

He thought he had said enough to satisfy the House that the Ten Hours' Act had been a most beneficial one, and that there required a uniform time of working; but he could not help observing, with regard to the first point, and before he quitted it, that his own personal observation fully confirmed the words of the delegates who described the beneficial effects of the Ten Hours' Act. He (Mr. Cobbett) could assure the House that in his own visits to the large establishment of the Messrs. Feilden, he had been struck by the great improvement in the appearance of the factory hands; the change was quite observable to any one who took the slightest notice, and, therefore, he himself could confirm the words of the delegates, and say that no one would believe it who had not actually seen it. From their own lips he had heard how thankful they were for the limitation of the hours of their work, because of the increased social and domestic enjoyment they had; and as to the fall in wages that was so confidently predicted, he had it from them and their overlookers that the reduction in wages was not more than one-sixth in most cases, and in many it was no reduction at all. Indeed, the spoiled work of the twelve-hour system was generally the cause of so much abatement that the trifling deficiency in the production of the ten hours was more than compensated. He could not, therefore, but be earnest on this question; and he consequently hoped the House would indulge him with their attention, in order that he might ask them, with the greater chance of ultimate success, to allow him to introduce a Bill on the subject. He was sorry to say that the consequences which followed the violations of the Act of 1847 were not so satisfactory as the other parts of this matter, which he had already detailed to the House. The Parliament received petitions from all parts of the country asking them to pass, not an Act containing any new principle, but simply a declaratory Act, which should convey to the factory masters, and to everybody concerned, a clear and distinct intimation as to what the Legislature really intended in passing the Act of 1847. These petitions, however, though signed by numbers whose voices ought to have been attended to, failed to have the desired effect. Instead of passing an Act merely declaratory of the Act of 1847, the Legislature passed the Act of 1850, generally called the Compromise Act, by which the hours of labour for women and young persons were extended to ten and a half a day, with the exception of Saturday, when they were limited to seven and a half hours. Now, he could not help asking the House what reason there was for Parliament imposing on the factory people one minute more than was imposed on them by the Ten Hours' Act? These people had not violated that Act. It had, indeed, produced upon them all the effects which its promoters had intended. One would have thought, therefore, that no person who had the slightest regard for the moral and social improvement of the working classes, could have seen the effects which he had described without saying, "We will not infringe for one instant the provisions of an Act which has done so much good; let us, for God's sake, not seek to deprive these people—let us not seek to deprive society, of any of its benefits; but let us explain the Act, and see that it shall be carried fully into effect." Parliament, however, did not say so. The Compromise Act was passed. It was, by some, called a compromise between the factory people and some of their friends, who were never very clearly perceived; but the fact was, it was no compromise on the part of the people. On the contrary, the people of the factory districts strongly protested against it. He appealed to the noble Lord the Member for Colchester (Lord J. Manners) who took up the question at the time with great alacrity, and to whom he tendered his thanks, in the name of the workpeople, for his exertions on the occasion—he appealed to him whether the workpeople were a party to any compromise, or whether they did not rather resent the passing of what was called the Compromise Act? The compromise was warmly denounced in another place by the Bishop of Ripon on the 15th of July, 1850, in the words which he would now read to the House:—

> "It was impossible to exaggerate the benefits which had accrued from the Act of 1847. The cause of education had greatly progressed, and it had been stated, that, in the parish of Leeds alone as many as 100 night schools had been established since the passing of the Bill. The number of allotments of land had also increased. He had yet to learn that the consent of the factory operatives had been given to the compromise proposed by this Bill. As far as his knowledge extended, the case was directly the reverse; for in every manufacturing parish or district of any consequence in his diocese public meetings had assembled, insisting upon a Ten Hours' Act, without a single voice being raised against it. It was said that the present measure would be a final settlement of the question, but he did not believe it. There was a strong feeling of indignation among the manufacturing operatives on the subject."

Notwithstanding this firm attack, followed by others from other quarters, the Compromise Act passed and was in operation immediately. It professed to give the workpeople in the factories an equivalent for the half-hour which was taken from them, inasmuch as it fixed the factory day between six in the morning and six in the evening; or, in certain cases, between seven and seven. But where was the "equivalent?" What did it give the factory people in return for the half hour that it took from them? The millowner would, for his own profit and to save the expense of gaslight, choose those very hours of working: he did it before the Act; he would of course do it again. It was, in point of fact, no equivalent whatever. And here he (Mr. Cobbett) must meet the observation that he had heard from one or two persons, namely, that half an hour was not much after all. He denied that it was not much in such a case. Hon. Members of that House were many of them men of so much leisure that they were puzzled to know sometimes how to kill an hour or two; and such persons were ill qualified to judge of the value of half an hour to these hardworking people, who had, for the most part, to rise at five in the morning, and were engaged in following a noisy untiring machine throughout the whole day, breathing an unwholesome atmosphere, and inhaling the flying fibres of cotton. He denied, then, that the working factory people had received any equivalent in this so-called compromise. There was another branch of the question which exhibited peculiar injustice. Who were the delinquents? They were the factory masters. The women and children did everything in their power to show themselves grateful for the Act of 1847. They did all that the promoters of the Act expected—they were faithful to the intentions of Parliament; and yet Parliament, instead of giving them that encouragement which was their due, had actually inflicted punishment upon them at the instance of the masters, who had violated the Act. This appeared to him a peculiar hardship, and the Parliament that did so seemed to him to be worthy of condemnation. Well, then, what had been the effect of the Compromise Act? Had it been beneficial to the workpeople, or obeyed by the masters? The fact was, that from the very first report that was made to the Home Secretary by the inspectors after the Act was passed, down to the very last report of the Inspectors, there had been continual complaints of the fraudulent manner in which the master manufacturers had evaded the Act—ending in a joint report by all the inspectors calling upon Parliament to give them an amending Act, in order that they might be able to carry the intentions of the Legislature into effect. In proof of this he (Mr. Cobbett) would be compelled to read some extracts from the reports of the factory Inspectors, for no one would believe otherwise that the masters, whose Act this was, and who pretended it was a compromise in which the people were parties, would themselves set the example of violating the law in so peculiarly gross a manner. After giving a description of various frauds on the Act, Mr. Horner says in his report for 30th April, 1851, what he would now read:—

> "The greatest of these offenders was Mr. William Bracewell, of Barnoldswick, near Colne, the owner of large cotton mills. This person was prosecuted last June for transgressing the law in this manner, as was fully narrated in my last report. The skill by which his attorney then contrived to prevent convictions in the greater number of the informations, and the great leniency of the magistrates in imposing the lowest penalty the Act allows, in those cases which were proved by such of the witnesses as, disregarding threats of consequences, fearlessly told the truth, appear to have encouraged Mr. Bracewell to continue his practice of working contrary to law. Information was last winter given to Mr. Jones, on which he could perfectly rely, that it was the regular practice in Mr. Bracewell's mill to begin work, with young persons and women, at half-past five in the morning; but he was told, at the same time, that his coming by the usual road to Colne would be of no use, because arrangements had been made by which information was given as soon as an Inspector appeared within some miles of the factory. Mr. Jones, determined that so gross a violation of the law should, if possible, be checked, took very effective steps to ascertain the correctness of the charges, by going in the night by a circuitous route, accompanied by police officers, and arriving in the neighbourhood of the mill at five in the morning. Soon afterwards the lights appeared in the windows, and on entering the mill, a little after half-past five, he found the machinery in full operation, with young persons and women at work. Some made their escape, fearing, no doubt, by past experience, the consequences of being produced as evidence, but he got the names and addresses of several. Informations were laid before the magistrates at Colne, and the same attorney who had defended Mr. Bracewell on the former occasion, with the assistance this time of a barrister from Manchester, made so strenuous a defence, that only five of sixty-six informations were heard in six hours; but in these there were four convictions. The magistrates adjourned the hearing of the remaining cases for a fortnight; and the newspaper report states that 'a hope was then expressed that some arrangement would, in the meantime, be effected to avoid the necessity of the parties again appearing.' A few days afterwards, I received a letter from Mr. Bracewell's attorney, offering to pay 20*l.* on my consenting to withdraw the remaining charges.
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> "I do not enter into any particulars of the other prosecutions for offences of this description, as it would only be a repetition of what I have often before reported of the difficulties we have to contend with to check this infringement of the law, which is naturally felt by the honest millowner as a great grievance. You will readily believe that men who seek to put money in their pockets by deliberately resorting to illegal practices, will not be very scrupulous either in the means they will resort to to escape detection, or, if detected, to prevent conviction before the magistrates by the intimidation of witnesses, over whom, as dependent upon them for their bread, they have practically almost absolute power, and by resorting to every subterfuge which an ingenious attorney can devise. If magistrates would in such cases consider themselves as the defenders of honest millowners, against those who, by fraudulent means, gain an advantage as competitors in the same markets, and, when a case of illegal working is proved to the satisfaction of their own minds, would inflict the highest penalty, the temptation to break the law would be considerably diminished."

The next quotation he would make was from Mr. Horner's report of the 31st October, 1851, in which it would be seen that the millowners had resorted to a regular system of looking out for the Inspector, in order to defeat the vigilance of those very useful officers, and in order to break with impunity their own Act!

> "It is therefore most natural that I should hear, as I frequently do, great indignation expressed by those who are strictly obeying the law against the fraudulent advantages which many competitors in the same market have over them; that I should be often exhorted to put a stop to these violations of the law; and that it should sometimes be said, in very plain terms, that the Inspectors were remiss in their duty. I am not aware of any case where there has been a want of exertion on the part of any of the Sub-inspectors or myself to detect and bring to justice any persons accused of such fraudulent overworking. But the difficulties we have to contend with are very great, and I feel myself called upon, in justice to the gentlemen who act as Sub-inspectors in this district, to point them out. It must be borne in mind that, in laying an information against a millowner, we must charge him with the illegal employment of certain individuals on a particular day or days. In cases where the additional time is gained by a multiplication of small thefts in the course of the day, there are insuperable difficulties to the Inspector making out a case that he can take into court with any hope of obtaining a conviction. There are three periods of the day when the steam engine starts, viz., when the work begins in the morning, and when it is resumed after the two meals of breakfast and dinner; and there are three periods when it stops, viz., at the beginning of each meal time, and when the work ceases in the evening. Thus there are six opportunities when five minutes may be stolen, or half an hour each day. The Inspector, if he came unnoticed, might detect one of these petty thefts; but very good care would be taken that he should have no other case on that day. If we take into account the plausible excuses that would be made, such as irregularity of clocks, the mistake of the engineman, &c.—defences that have again and again been made—nothing short of its being made clear to the magistrates that it was a part of a systematic course of overworking would, I believe, induce them to con-

vict. To prove a systematic course of overworking, made up of minutes taken at six different times of the day, could manifestly not be done by the observation of an Inspector; it could only be so by the people working in the mill voluntarily coming forward to give evidence. When the fraud is committed by starting the steam-engine half an hour, or a quarter of an hour, before six in the morning, and going on in the same way after six in the evening, or after two o'clock on Saturdays, detection is more easy, and several informations have been laid, and convictions have been obtained in cases of this kind. But even here the difficulty of making out a clear case is great, for in those places which have acquired a notoriety for overworking, there is an organised plan for giving notice at the mills of the appoach of an Inspector; and I have reasons for believing that servants at railway stations, and at inns, are employed for this purpose. If those who feel themselves aggrieved, who know the internal system of a factory, and are acquainted with the Factory Acts, would go beyond the general statements, and the Inspector or Sub-inspectors' specific instances, and would lend their aid in obtaining legal proof of the offence, much might be done in putting a stop to these malpractices; but until the workpeople themselves who are illegally employed can be induced to come forward as witnesses, it must always, in the present state of the law, be very difficult to obtain convictions. I must further add, that when a case is proved, magistrates must not, as they usually do, inflict the lowest penalty the law allows, but fine the offender in such a sum as will considerably diminish the profit obtained by the fraud."

The House would see, from these quotations, that the Factory Inspectors were, in some districts, completely frustrated in their attempts to cause the Acts to be obeyed by the masters. The hon. Member, however, observed that that disobedience to the law was not universal, for the law was tolerably well observed in the large towns, such as Manchester and Blackburn, in consequence of the eyes of the different masters being jealously fixed upon each other's operations; but in the outlying and thinly-populated districts, where there was no such check, it was found extremely difficult to procure the thorough observance of the Act. There were no specific recommendations in the reports of the Inspectors, except that Mr. Howell suggested an alteration of that part of the Factory Act of 1844 which allowed the making up of lost time in watermills, and that Mr. Horner proposed, in order to provide that women and young persons should not be worked before six o'clock in the morning, or after six o'clock in the evening, that the machinery should be stopped for a limited time before these persons entered the mill, and for the same time after they quitted it—a short stoppage, in fact, of the motive power; but, in his (Mr. Cobbett's) opinion, an inconvenient mode, and more oppressive to the adult males and the young children than even the present system. Taking the circumstances altogether, and weighing them carefully, and consulting with practical manufacturers, he had framed the Bill which he should now ask leave to bring in, the main object of which was to restrict the labour of all persons whose labour was at present restricted, to ten hours a day; and next, to enact that the motive power of factories should be stopped from half-past five o'clock in the afternoon until six next morning, every day for the first five days of the week, leaving Saturday as at present—seven and a half hours' work. Since he had given notice to the House of his intention to bring this question forward, he had, in the course of casual conversation with hon. Members, been asked several questions with regard to this motive power. He was happy to say, that he had found a general disposition in favour of a uniform period of work, and of limiting the hours of the labour of restricted persons to ten in the day; but all of them, with very few exceptions, were afraid of the stopping of the motive power. It had been supposed that this was some theory or crotchet of his own; but the truth was, it was as old as the thought of factory legislation itself. Every one must be convinced, after the daring and systematic violations which he had detailed to the House, and which were going on every day, that it was nearly hopeless to expect to have the full benefit of the Ten Hours' Act until they had some enactment like that he proposed. Mr. John Cheetham, in his evidence before the Factory Commissioners of 1833, declared that it was only by restricting the motive power, by prohibiting the machinery from being worked after a certain time in the evening, and before a certain hour in the morning, and by suffering no lost time to be made up, that it would be possible to render the Ten Hours' Act efficient—but he would read to the House an extract from that gentleman's evidence, in order that he might not be charged with garbling a statement. The gentleman he was about to quote, was, he believed, the hon. Member for South Lancashire, who was not now in his place, but who was, at the time he gave this evidence. and was at that moment, one of a very well-known firm of cotton spinners, Messrs. George Cheetham and Sons. The extract was:—

"Mr. John Cheetham examined: Would it be possible to make an efficient Bill? Yes; by restricting the moving power, or prohibiting any machinery to be worked after a certain hour in the evening, or before a certain hour in the morning, and no lost time to be worked up; and in our opinion any legislative measure that does not restrict the moving power, and include all ages, will be found inoperative. I think a mill inspector, elected in every township, whose business it should be to see that the law was observed, would be the best means of preventing its evasion."

This was the evidence of one large practical manufacturer on this point. He would now refer to others; and he found that in a Bill brought into this House in 1835 by Mr. Hindley and Mr. Brotherton, the third clause limited the hours of labour for all persons under twenty-one years to ten hours in the day, and to eight hours on a Saturday, while the fourth clause enacted that the hours of working the machinery should be the same as those fixed for the labour of the children. Surely this was authority enough to show that the Bill he wished to introduce asserted no new idea. In addition to these precedents, however, he could state that the people working in factories were perfectly unanimous in wishing for the limitation of the hours he proposed, and in wishing the machinery to be restricted, seeing that without this restriction there could not be a perfect Bill. The manufacturing districts were stirring in this matter, and the numerous petitions which had been hitherto presented to the House on the subject showed a unanimous feeling in favour of the Bill. Not only, too, did the manufacturing operatives petition, but a vast number of the petitions which had been laid on the table of the House in favour of the Bill had been represented as coming from the master manufacturers. In the borough which he had the honour to represent, twenty-one master manufacturers of great consequence had adopted this course; and he believed the petition was signed by the mayor of the borough, one of the most respectable manufacturers in the whole district. The overlookers and managers—an influential and intelligent body of men—were also in favour of the Bill. Mr. H. Edwards, who represented Halifax in the last Parliament, had, on the 9th of April, attended a meeting at Halifax, at which the very proposition he should have the honour of submitting to the House was mooted. That Gentleman declared his opinion that it was only by restricting the motive power that the object of the Ten Hours' Act could be attained. More recently the

partner of the hon. Member for Blackburn (Mr. Jackson) had in public stated distinctly, being a large manufacturer, and having been in business for a considerable time in one of the largest manufacturing concerns in the borough of Blackburn, that, having been formerly opposed to the Ten Hours' Act, he was now, from having seen its beneficial effects, earnestly in favour of it, and that there was nothing but a restriction of the motive power which would render that Act effective. The hon. Member here quoted the following passage from a speech of Mr. Edwards, at Halifax, on the 9th of April last, as reported in the *Halifax Guardian*, as follows:—

> "At one time I was not a great advocate for the restriction of the moving power. And why? Because I knew that the late John Feilden, a man we must all lament to have lost, and whose son has been here to-night advocating this question with such energy and with such honour to himself, was also against the restriction of the moving power, until he found that his own Act could not be carried into effect as it was intended. Had that man lived, he would have been foremost in the ranks of those who are advocating a restriction on the moving power; he would have declared that the miserable compromise of 1850 was to all intents and purposes a robbery—a robbery of your rights and privileges, and would have said, that 'as this has failed, let us now advocate nothing more nor less than a restriction on the moving power.' It is only by this that your object is to be attained."

He (Mr. Cobbett) had now done with the main portions of the Bill. There would be a few provisions on minor subjects; with regard, for instance, to penalties, and the mode of recovering penalties; but all of these provisions were, he thought, such as the House would consider reasonable. With regard to the question whether a new mode of recovering penalties should be resorted to, he proposed that there should be an additional mode of recovering them, so that there should be a direct encouragement given to those informers on whom the Factory Inspectors must much depend. He proposed that there should be a right of recovering penalties in the County Court, and also that the informer, upon giving notice to the inspector that he was about to bring an action, might have liberty to do so, provided it was within a certain number of days. There were some hon. Members who had been always opposed to every act of factory legislation, and not a single Act on this subject had ever been passed of which it was not predicted that it would ruin the commerce of the country, and involve us in chaos. Every one of these predictions however, from 1802 to 1850, had been fully and completely falsified. Then it had been constantly denied that in the factory districts any mischief arose from excessive labour. Upon this subject he might refer to the inquiries made by an eminent surgeon in the town of Bury, with regard to the several districts in that town, and the proportion of deaths of different classes in the community. That gentleman had ascertained, to his great astonishment, that of the factory operatives the average age at death was only eight years. Such a startling fact seemed almost incredible, but, inquiring further, Mr. Fletcher found that the enormous mortality was among the children of the factory operatives, of whom there died, under two years of age, on an average, 60 in the 100; while of the children of all other operatives living in the same districts only 33 in the 100 died under two years of age. This statement was collected from the books of the registrar of births, deaths, &c., and was made on an average of seven years. He had very lately conversed with Mr. Fletcher, who assured him that having made renewed inquiries, he had ascertained that there was no exaggeration in these results, and that his tables were perfectly correct—adding, that the cause of this mortality among the children might be looked for in the long hours which the mothers were obliged to remain in the factories. It was for the Legislature to adopt a cure for such enormous mischief; and, apologising for having so long occupied the attention of the House, he hoped that he should obtain leave to introduce a Bill, the aim of which was to render the existing measure effective, and to extend the benefits which had resulted from it.

Mr. M. J. FEILDEN: I rise to second the Motion of the hon. Member for Oldham; and in doing so, I have to crave the indulgence of the House as a junior Member of this august assembly, in addressing it on a subject of great personal importance to myself, and of deep interest to the constituency I have the honour to represent. Being extensively engaged in the manufacturing trade and commerce of this country, employing between 1,300 and 1,400 workpeople, whose wages amount to nearly 1,000*l.* weekly, I feel less hesitation in approaching this subject than I otherwise should, were it one of a more ordinary character, or not local in its bearing. In order to lay my views clearly before the House, I beg to ask the following questions, and, in replying to them, endeavour to point out as forcibly as possible the necessity that exists for the adoption of the proposition of my hon. Friend. In the first place, does the existing law, in regard to the labour of females and young persons in factories, effect the object for which it was enacted? In the second, if not, how does it affect the employer and the employed? and, thirdly, if perniciously, what is the remedy? With regard to the present law, I think the evidence of the Government officials, printed by the Government, under the sanction and authority of Parliament, from whose reports I quote the following extracts, sufficiently prove its inefficiency. Mr. Horner says—

> "I should have been able to give, upon the whole, a satisfactory account of the observance and beneficial working of the Factory Acts during the last half-year, had it not been for the continuance of the practice, and that to a great extent in some parts of my district, of mills working twelve hours a day, instead of all hands leaving off at six o'clock in the evening, as is the case in the far larger proportion of the factories in other parts of my district. Ashton-under-Line, Stalybridge, Mossley, Glossopdale, Oldham, and Lees, are the places where it has been almost the general rule. Of this employment of male persons above eighteen years of age after six o'clock in the evening, the law takes no cognisance, and I am only called upon to notice it by the evasions practised under that system, by the employment of young persons and women, after six o'clock, along with the men. I have in my late reports dwelt so much upon this subject, that I need say no more than that the evil continues, and that it will continue, I believe, until the law is amended, so long as adult males are willing to work after six o'clock. It is the source of many and well-founded complaints among the millowners who close their mills at six o'clock, suffering, as they do, from the unfair advantages obtained in the same market by those who systematically practise this fraudulent overworking of young persons and women."

As to its effect upon the employer and the employed, as one of the former of considerable standing, I am one of those who do not hesitate to express my indignation at the conduct of others, who, less scrupulous themselves, evade and violate the law, to the prejudice of all honest employers of labour, and obtain undue advantages for themselves in markets where, as competitors, we ought to stand upon a perfect equality. Before proceeding, Sir, I will again venture to read a short extract from Mr. Horner's last half-yearly report for the six months ending April 30th last, especially relating to the district I come from, and where the evasions and violations of the Factory Act appear to be more common than in any other. After enumerating the cases of infringement of the Act which have occurred in this district, Mr. Horner says—

> "I believe that the serious violations of the law which I have now brought under your Lordship's notice, and which are felt to be a very great grievance by a large majority of millowners, might be effectually put a stop to by amendments of the law which would involve no new principle, would subject no occupier of a factory working from six to six to any inconvenience, would in no degree prevent the daily employment of adult males to the fullest extent they have ever worked in factories, or even to the utmost length their physical strength could bear, and would only impose a very moderate and reasonable restraint upon millowners working before six in the morning, or six in the evening, in order to afford an effective protection to the young persons and women."

As to its effect upon the employed, I think that after the mass of petitions that have lately been presented on the subject to this House, no doubt can exist in the minds of hon. Members, that the operatives, as a body, are most earnestly desirous of obtaining a uniform system of working in factories throughout the United Kingdom; which, if not conclusive in itself, must surely be so regarded, in conjunction with the monster meetings that are taking place in reference thereto, all over the manufacturing districts. The hon. Member for Oldham has alluded to one of these large meetings lately held at Manchester, and made honourable mention of my partner, who attended and argued his views on this question very forcibly, to the great satisfaction of his audience, principally constituted of adults of both sexes. In regard to the remedy, I trust it will not be urged by the opponents to this measure that it would be an unjust interference with the rights of adult labour, and that the remedy lies with the operatives themselves. This is not thought by them to be the case, or I should not now be appealing on their behalf for the alteration in the law that they seek so anxiously to obtain, by placing the restriction upon the moving power; though, if those objections be raised, I trust that it will also be borne in mind that that restriction does already extensively exist, a few places only of evil notoriety being excepted; and, secondly, that even if such be the fact, as no other remedy is feasible or attainable, the necessity of the case warrants the application to protect those efficiently who are totally unable to protect themselves. On this point Mr. Horner further says—

> "If those who in 1833 predicted (and there were some of great authority among our political economists who did so) the ruin of our manufacturers if the then proposed restrictions on factory labour were adopted, will now fairly and candidly look at the results of this great practical experiment in legislation, whether in relation to the improved condition of the factory workers, or to the increase of mills, and to the fortunes since made in every department of manufacture subject to the law, they must, I think, admit that they have seen grounds to make them pause before they, in future, condemn measures for elevating the moral and social condition of the humbler classes by the regulation of their labour, as being opposed to principle; for the factory legislation has been proved to be in entire accordance with principle, even with that of the production of wealth, when the term principle is understood in an enlarged and comprehensive sense."

These are my views, Sir, on this important question, and if by anything I have said I may have induced hon. Members, and more especially Her Majesty's Ministers, to look with favour upon this question, I shall never regret having had the opportunity of raising my voice in the Legislature of the country, on behalf of what I may justly call the suffering interests of humanity in the crowded districts of the North of England.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill to limit the hours of labour of women, young persons and children in the Factories of the United Kingdom, and to provide for a more perfect inspection of the said Factories."

MR. WILKINSON deprecated the notion of regulating the hours of labour by Acts of Parliament. He did not question the benefits which had accrued from the Ten Hours' Act. They could not shorten the hours of labour without doing good to the operatives; but he did not think it was the duty of Parliament to interfere with a matter of that kind. The country was now in a prosperous state, trade was flourishing, and the manufacturing population enjoyed their share at least of the general comfort and contentment. Yet the present was the moment fixed upon for bringing forward a measure which would have the effect of rendering our manufacturers unable to compete so successfully as they would otherwise do with their foreign rivals. He trusted the House would pause before venturing upon a course so full of peril.

VISCOUNT PALMERSTON did not mean to oppose the bringing in of the Bill of the hon. and learned Member, but at the same time he did not pledge himself as to the course which he might feel it his duty to take on the second reading of the Bill when it had been brought in. At the same time he might state that he himself intended to bring in a Bill for the purpose of limiting the hours for the employment of children. What he should propose would be, that children should not be employed earlier than six o'clock in the morning, nor later than six in the evening. At present, as had been stated by the hon. and learned Member for Oldham, children might be brought out at half-past five in the morning, and kept until half-past six or seven in the evening. Now, he really thought that to have little children of from eight to twelve years of age brought out on a drizzling winter's morning at five, or half-past five, when they perhaps lived three or four miles distant from the place where they worked, and then in the evening to have them walking back, possibly alone, to their homes in the dark, with, perhaps, snow on the ground, was a practice which must entail such evils that no one could be surprised at the extreme mortality among the children of factory operatives to which the hon. and learned Member (Mr. Cobbett) had alluded. It was a matter of considerable delicacy to interfere by legislation with the employment of those who, being of age to determine for themselves, were to be considered as free agents, and therefore ought to be at liberty to work as long or as little as they should think fit to do. But his own opinion was, that millowners were not pursuing their own real interest by dealing with the persons whom they employed as if they were mere machines, as if the longer they could work them the more profit they could make out of them, and as if all other considerations should be set aside except the quantity of work which, in the greatest number of hours, could be got out of the men so employed. His own opinion was, that employers would do better —and he knew many of them did act upon that consideration—they would do better to reflect that these workmen were moral and intelligent agents; that, unless they were allowed that moderate degree of leisure which was essential to their well-being and their domestic economy, the employers would certainly fail to get out of those agents the full amount of good labour which they might under a more judicious system extract from them. It was said that to limit the number of hours, as he should propose to do, for the employment of children, would indirectly tend to limit the employment of persons of more advanced age; but all he could say was, he thought it was so essential to protect these children from being overtasked that he could not consider the results which it might be imagined would flow from it, as a reason why such a limitation should not be adopted. He, therefore, without pledging himself as to the details of the Bill, or as to the course he might think fit to pursue when the Bill came to a second reading, had no objection to offer to the introduction of the Bill now, and to its being read a first time. It was, however, his own intention to submit to the consideration of the House a Bill for the limited purpose which he had just mentioned.

Lord JOHN MANNERS said, he feared that the proposal of the noble Lord who had just sat down would not prove more satisfactory to the opponents of factory legislation than the proposal of the hon. Member who had spoken with such signal moderation that evening. He thought, too, he might safely say that the proposition of the noble Lord, however well meant it might be, and however well calculated to remedy a certain portion of the evils complained of, would not satisfy the wishes of the working people so well as the proposal of the hon. Member, and would not have the effect of settling this question now that it had unfortunately been reopened. In the year 1850, he (Lord John Manners) had felt it his duty to express his strong conviction, that the measure erroneously called a compromise, which was brought forward at that period, was in reality a compromise of nothing but the rights of the people and of the honour of Parliament. He still retained that conviction; and if that Bill had not been attended with all the injurious effects which he had then predicated, that circumstance was owing solely to the moderation and the loyalty of the operatives; and he believed that it had been the moderation, loyalty, and contentment of the people which had prevented the fulfilment of a prediction he had been disposed to make as to the immediate efforts that would probably be made by the people in order to win back the inheritance of which they had been wrongfully deprived; and he was afraid that if they looked at the subsequent reports of the Factory Inspectors, they would find reason to attribute the present great movement in which the Bill before the House had originated, to the systematic and constant evasions on the part of the master manufacturers of the very compromise which had been passed at their suggestion and in their interest in the year 1850. He had ventured, at an early period of the Session, to call the attention of the noble Lord the Secretary for the Home Department (Viscount Palmerston) to the then last half-yearly report of the Factory Inspectors, and he had asked the noble Lord whether he intended to introduce any measure for the purpose of carrying out the recommendations of those gentlemen, and preventing the future evasion of the existing factory Acts. In replying to that question, the noble Lord had, as was his wont, given one of those agreeable and airy answers from which a person might draw any inference he pleased. He (Lord John Manners) had put the most favourable construction on the answer he received upon that occasion; and it would appear from the statement of the noble Lord that evening that they might expect to find him introducing a measure for remedying, to a limited degree, some of the evils of which the factory workpeople complained—although he (Lord John Manners) could not say whether they would be able to pass that measure into law in the course of the present Session. However that might be, he thought that a reference to the reports of the Factory Inspectors would show that the proposal of the noble Lord would go but a very little way to satisfy the just demands of the operatives: that which these people asked for, and which he believed they would not be content until they should receive, was what they had a perfect right to demand—namely, the full charter which had been conferred upon them by the legislation of the year 1847. If the hon. Member who now proposed to introduce a Bill upon the subject, felt himself obliged to bring a new principle into our factory legislation, he (Lord J. Manners) believed he could show, that if blame could attach to any parties for the necessity of the introduction of such a measure, that blame must lie on the shoulders of those who pertinaciously and systematically evaded the compromise which they themselves had induced the Legislature to pass. The Inspectors of Factories, in their joint report to the then Secretary of State, the right hon. Gentleman the Member for Midhurst (Mr. Walpole), on the 4th of September, 1852, said—

> "The infringements of the Factory Acts in some parts of the country by the employment of young persons and women for a longer time daily than is legal, which have, we believe, been represented to you as a great evil calling for correction in memorials from certain owners of factories, have been often under the consideration of the inspectors at their statutory half-yearly meetings, in the hope that they might be able to adopt some course of proceeding which would put an end to such violations of the laws. We now feel ourselves called upon to represent to you in this our joint report, that experience has proved that when the Acts of 1833 and 1844 were framed, the measures that have been resorted to by certain occupiers of factories to evade the limitations of the hours of work fixed by these Acts were not contemplated, consequently no sufficient security against them was provided. The clear intentions of the Legislature are defeated, because of the conditions to which the inspectors are restricted in their endeavours to obtain the conviction of an offender, and thus extensive frauds have been practised, and in some places we have reason to believe are now habitually practised with impunity."

And, again, they said—

> "Those who are strictly observing the law naturally claim that the provisions of the Act in so important a matter shall not be suffered to be violated with impunity, and that all occupiers of factories shall be compelled to adhere to the same hours of work as limited by law. To carry this into effect has been our constant aim; but without an amending Act, which will make the detection of offences more easy, and the punishment of them more certain and more severe, we have little hope that the desired uniformity will be accomplished."

Mr. Horner, whose services in this cause were beyond all praise, said, in his report—

> "This illegal working of young persons and women will never be effectually put down without an amending Act, which shall take away the facilities for evading detection and punishment now existing, which shall make the occupier of the factory alone responsible, and which shall, moreover, inflict as the lowest penalty such a sum as will at least considerably diminish the gain by fraudulent working; for the shame of a prosecution appears to be no restraint on such men."

Let him now call the attention of the House to the last report of the Inspectors, presented a few days ago, in which Mr. Horner said—

> "I should have been able to give, upon the whole, a satisfactory account of the observance and beneficial working of the Factory Acts during the last half-year, had it not been for the continuance of the practice, and that to a great extent in some parts of my district, of mills working 12 hours a day, instead of all hands leaving off at 6 o'clock in the evening, as is the case in the far larger proportion of factories in other parts of my district. Of this employment of male persons above 18 years of age after 6 o'clock in the evening the law takes no cognisance, and I am only called upon to notice it by the evasions practised under that system, by the employment of young persons and women after 6 o'clock along with the men. I have in my late reports dwelt so much upon this subject, that I need say no more than that the evil continues, and that it will continue, I believe, until the law is amended, so long as adult males are willing to work after 6 o'clock."

They might say, therefore, that the uniform recommendation of all the factory inspectors was, that there should be considerable amendments and emendations of the existing Factory Acts in the direction pointed out by the hon. Member. And now let him ask if the factory operatives had not a right to demand that fresh legislative boon at their hands? The hon. and learned Member had reminded the House of the conditions on which and the solicitations by which Parliament had been induced to take from the leisure of the working people half an hour per day; and one object of the hon. Gentleman's Bill was to restore that half hour. He (Lord J. Manners) should say that, unjust and unfair and inequitable as the imposition of that additional half hour of labour had been at the time it had been enacted, events had since occurred which would make its continuance still more unjust and unfair and inequitable, for the very men who induced Parliament to pass that alleged compromise, and who then promised, through the mouth of the then Secretary of State for the Home Department, that they would regard it as a final settlement, and that they would respect its conditions, had been guilty of repeated and constant evasions of the measure—evasions carried out in so fraudulent a spirit as to call down from the factory inspectors, and from magistrates who had from time to time to adjudicate on these evasions, the severest terms of censure to which a respectable and opulent body had ever had to submit from any constituted authority. Mr. Horner, in his last report, said they were habitual and unscrupulous law breakers, and suggested that the only way to stop them was the infliction of such penalties as should make them feel they were not pursuing their own interest in practising those evasions of the Act. These men did not violate the law from any religious scruple, from ignorance, or from any belief they were vindicating a principle, but a sordid pecuniary gain was the only motives of their evasion and degradation. Was it not a mockery to deal harshly with the poor man for breaking the law, and then to make a rich one pay a pound or two, and allow him to go back to repeat his offences *ad infinitum?* They must make the penalty large enough to prevent the repetition of the evasion. The hon. and learned Gentleman who had introduced that Bill sought to make their factory legislation a reality, instead of leaving it a system which was liable to such frequent and fraudulent evasions. It would no doubt, however, be urged as an objection to that proposal, that that was the first time they had ever attempted to restrict by Act of Parliament the motive power in factories. Now, he freely admitted that he shared with many Gentlemen in a sort of apprehension which would lead him to abstain, if possible, from any interference with that motive power. But when he saw that master manufacturers, so far from respecting the arrangement into which they had themselves induced Parliament to enter, were determined to obey no law which they could by any possibility evade, he felt bound to consider whether the proposal of the hon. Gentleman, with respect to the motive power, had in it anything so inimical to the best interests of the master manufacturers, that he ought to refuse to try the experiment in question. In directing his attention to that point, he could not see that the restriction of the motive power would have any detrimental effect on the manufacturers. The hon. Gentleman who had seconded the Motion for leave to introduce the Bill (Mr. Feilden) had been able to speak with great authority upon that point, as he was himself one of the largest manufacturers in the district with which he was connected; and that hon. Gentleman had told them that that measure would in no way militate against the true interests of the employers of labour in factories. It appeared too, to him (Lord J. Manners) that the result of the prophecies which had formerly been made with respect to the fatal policy of any interference on the part of the Legislature with factory labour, justified him in believing that an effective ten hours' factory Bill, which would restrict the motive power in factories, would not in the slightest degree endanger the continuance of that manufacturing prosperity which it was evident from the reports of the factory inspectors, and from the accounts of medical men and clergymen connected with the manufacturing districts, had been very greatly promoted and increased by the operation of the Ten Hours' Bill in the first instance, and afterwards of the Ten and a Half Hours' Bill. At present, when the question was reopened, Parliament was bound not to shrink from the duty of doing full justice to the factory operatives, whose claims had been slighted, and whose rights had been invaded by the Parliament of 1850. They were the more bound to discharge that duty, because that question had been reopened, not through any misconduct of the operatives, but in consequence of the systematic, and he was afraid in many instances the successful, attempt of the master manufacturers to evade the provisions of an Act which they had themselves forced on a deceived Parliament. After the declaration which had been made by the noble Lord (Viscount Palmerston) he thought it would be but fair on his part to state that while he gratefully admitted that the measure which the noble Lord proposed to introduce would to a certain degree meet the grievances complained of, he could not regard it as one which would permanently settle this long-agitated and most important question —a question which he believed it was for the interest—not of a class, but—of the whole community, to see settled on a basis of justice; and therefore it was that he had risen to make these few observations, and to join the hon. and learned Gentleman who had introduced the measure in expressing an earnest hope that the House would unanimously consent to the Motion for leave to bring in the Bill, and would be prepared to consider it in its future stages in a calm and impartial spirit.

SIR GEORGE GREY said, he was anxious to say a few words after the direct allusions which had been made as to the part which he had taken in passing what was called the Compromise Act of 1850. He must express his regret that the question had been reopened. He had been one of those who advocated a restriction of the hours of labour of women, young persons, and children; and he shared in the gratification which all supporters of the legislation of 1847 must feel at the consequences which had followed from the restricted measure then passed, aided, as it had been, by the Act of 1850. But he owned he was surprised to hear the noble Lord opposite (Lord J. Manners), with the reports of the factory inspectors in his hands, treating the exceptional instances mentioned in those reports as specimens of the general way in which the law was evaded, and stating that it was almost universally violated by the manufacturers, forming a direct contrast to the statement of the hon. Member, who said that generally the Act was obeyed not only in letter but in spirit. He (Sir G. Grey) must also say that the Act of 1850 had been totally misrepresented by the noble Lord. It had been his duty to introduce that Bill, for the purpose of removing evils of which the working people complained much, but which were not objected to by the manufacturers. The noble Lord was also mistaken in supposing the Bill was introduced for the behoof of the master manufacturers, or that he (Sir G. Grey), when Secretary of State, promised compliance with the law on their part. The truth was, that complaints were made by the operatives that the spirit of the Act of 1847 was violated by the system of relays; and the Government, by way of remedy, thought of fixing the hours from six o'clock in the morning to six o'clock at night as the limits within which labour could be enforced, thereby putting an end to the system of relays. Half an hour was at that time added to the ten hours, for which the noble Lord said that the workpeople had got no equivalent; but they had got this, that their hours of labour were now fixed and certain, leaving the whole evening to themselves; and he had watched with the most sincere gratification the operation of that Act, which, instead of being a source of injustice to the working classes, had conferred on them the greatest benefits. Let him just read a short extract from the last report of Mr. Horner on that subject. He said—

> "I believe the workpeople never were so well off as they are at present; constant employment, good wages, cheap food, and cheap clothing; many cheap, innocent, and elevating amusements brought within their reach; and, thanks to the last Factory Act, the greater proportion of all the operatives in mills have at length time for some mental improvement, healthful recreation, and enjoyment of their families and friends."

He might also refer to the opening sentence of Mr. Redgrave's report, in which he said the limitations of hours of labour under the 13 & 14 of *Vict.*, c. 54, continued to give general satisfaction. He (Sir G. Grey) believed that nineteen-twentieths at least of the master manufacturers had conformed to the spirit as well as to the letter of the law; and he challenged the noble Lord to produce one sentence from the reports of the factory inspectors recommending a further limitation of the hours of labour by a reduction of the ten hours and a half under the Act of 1850 to ten hours. He earnestly deprecated any renewal of agitation as to the amount of labour with regard to that class to whom the Act of 1850 referred. The question of children's labour stood on quite different grounds; but he must express his regret that the noble Lord the Secretary of State, in announcing his intention of bringing in a measure on that subject, had shown some doubt as to whether Parliament might not be induced to sanction the principle of restricting the hours of labour for adults. He hoped that the noble Lord would never yield his assent to a principle which had always been repudiated by every eminent statesman in that and the other House of Parliament.

MR. I. BUTT: Sir, a challenge has been thrown out by the right hon. Baronet who has just sat down, which must not pass unanswered. As no opposition is given to the bringing in of this Bill, I had not intended to have risen on this occasion; but having long taken a deep, very deep interest in this question—having been in communication with the delegates of the factory workmen—and having been consulted by the hon. Member for Oldham, I do not think I ought to let the challenge of the right hon. Baronet pass without a reply. The right hon. Baronet denied the assertion of my noble Friend near me (Lord John Manners) that the law had been systematically violated; he has challenged him to record any evidence from the report of the Inspectors of Factories in support of it.

SIR GEORGE GREY: I challenge him to record any recommendation from the Factory Inspectors to reduce the hours of working to ten, and I said that the law was generally observed, was observed in nineteen-twentieths of the factories, and the violations of it were exceptional cases.

MR. I. BUTT: Sir, I understood the challenge to be this: to call on my noble Friend to prove that there was such a general and systematic violation of the law as demanded legislative interference. There are two things perfectly distinct. The right hon. Baronet is too clear in his views to confound them, as he will permit me to say he seems to do. Sir, the question what shall be the limit of your hours of labour is one thing—the enforcement of your limit, whatever it may be, is another. It is one thing to assert that legislative interference is absolutely necessary to prevent your limit of ten hours and a half being evaded—and quite another thing to assert that you ought to reduce that limit from ten hours and a half to ten. The assertion of my noble Friend was that the existing law is scandalously, generally, and systematically violated. We say that this violation is such, that unless you are willing to make law a mockery and bring the authority of the Legislature into contempt, Parliament must interfere with a high hand to put it down. Did the right hon. Baronet challenge them to read extracts from the reports of the Factory Inspectors to sustain this assertion? In his report of October, 1832, Mr. Leonard Horner writes—

> "I regret to say that the offence of working young persons and women for a greater number of hours daily than is legal, long complained of, still prevails to a considerable extent in some parts of my district. In my two last reports I have dwelt at some length on this subject—on the wilful commission of the fraud by persons of large property—on the mean contrivances to which they have recourse in order to elude detection—and the obstacles which the Inspectors meet with, from the imperfect provisions of the Act, in their endeavours to put down an evil so great as a systematic violation of law—one so justly complained of by millowners who are strictly obeying the Act. All that I have stated in these reports is equally applicable to the last half-year and to the present time; and I presume that you will not think it necessary for me to repeat what I said on those occasions, as my former statements can be easily referred to."

Were these the very rare and exceptional cases of which the right hon. Baronet had spoken—so few and so insignificant as to be totally unworthy the notice of Parliament? The Inspector uses the very words "systematic violation of the law;" the illegal practices still prevail "to a considerable extent" in his district, one embracing no inconsiderable tract; something more, I rather think, in itself than one-twentieth of the factory districts of England. He refers to his former statements, and says that they are equally applicable to the last half-year. What were these statements? They represented a state of things utterly disgraceful. A regular system of scouts was established in whole districts to give intimation of the approach of the Inspector. The moment he appeared, no matter how unexpectedly, persons ran through the district to give warning of his approach. Opulent millowners might be seen running in breathless haste from their home to the factory gate, that they might have it shut when the Inspector came. When he did obtain an entrance, the young persons who were working over hours were concealed. In some instances they have been discovered in receptacles and hiding places which would have justified far stronger language than even the expression "mean contrivances," and these things, Mr. Horner told them, "frequently prevailed." They were continuous; they had been described in former reports, and all that had been formerly stated was equally applicable to the last half year. But what say the Inspectors in their joint report, made in October last? Here is the joint evidence of the four Factory Inspectors for the United Kingdom:—

> "We now feel ourselves called upon to represent to you in this our joint report, that experience has proved that when the Acts of 1833 and 1844 were framed, the measures that have been resorted to by certain occupiers of factories, to evade the limitations of the hours of work fixed by these Acts, were not contemplated, consequently no sufficient security against them was provided. The clear intentions of the Legislature are defeated, because of the conditions to which the Inspectors are restricted, in their endeavours to obtain the conviction of an offender; and thus extensive frauds have been practised, and in some places we have reason to believe are now habitually practised with impunity."

Sir, I apprehend that my noble Friend is fully borne out in the statement he has made, and that I have answered the challenge of the right hon. Baronet opposite. But, Sir, the factory inspectors go further—they distinctly say that they cannot administer the law without legislative aid. I quote again from the report of October, 1852, the joint report of the four inspectors:—

> "Those who are strictly observing the law, naturally claim that the provisions of the Act in so important a matter shall not be suffered to be violated with impunity, and that all occupiers of factories shall be compelled to adhere to the same hours of work as limited by law. To carry this into effect has been our constant aim; but without an amending Act, which will make the detection of offences more easy, and the punishment of them more certain and more severe, we have little hope that the desired uniformity will be accomplished."

No man, Sir, I presume, will now tell me that legislation is not imperatively called for—that we are not to prevent our authority, the authority of the Legislature, being set at defiance, because rich men and great capitalists are the systematic violators of the law. Then, Sir, if legislation be now thus imperatively demanded, the Act of 1850 has not settled the question. Sir, even if it had been observed, and been effectual, I deny that it could have done so; but it has been systematically violated—it has been a palpable and undeniable failure. We are driven back to consider the question as it stood when that Act passed. That Act took the half-hour from the operative under the pretence that it would make the restriction efficient. Well, Sir, it has not made the restriction efficient. Upon the plainest grounds the question of that half-hour is now reopened. I do not hesitate to say that, looking anxiously as I did, although then not having a seat in this House, to the proceedings in reference to this question in Parliament, I thought the Act of 1850 one utterly disgraceful to Parliament. Sir, wholly irrespective of any consideration of its admitted failure, I think so still. The right hon. Baronet has inaccurately represented what took place; I then watched the proceedings upon this question too anxiously not to be able upon the moment to set him right. In 1847 the Statute was passed which limited the hours of labour for women and young persons to ten hours. That Act was intended to have set the question at rest, and for nearly three years it was at rest; but the ingenuity of lawbreakers discovered a technical flaw in the wording of the present clauses of the Act. No one ever denied that the intention of the Legislature was to prevent that which is termed the system of relays—every one so understood the Statute—for nearly three years it was so acted on, until sometime in 1850 (if I remember right) a judicial decision quashed a conviction for this offence of working for more than ten hours by relays. Sir, this decision took every one by surprise. The Judges who so decided it admitted that of the intention of those who passed the Statute there could be no moral doubt; but they were of opinion that, in an Act creating an offence and imposing penalties, the Legislature had not used words of sufficient precision. Sir, it was a mere technical flaw—a miscarriage of the draughtsman. Well, in the Session of 1850 the factory operatives came to Parliament to remedy this purely technical defect, and make the Act of 1847 what it was intended to be. A noble Lord, now in the other House, then a Member of this House, brought in a Bill to do that which surely was plain justice—to declare the true intention of the former Act, and make the words of the Statute speak what the mind of the Legislature meant. This was all that was necessary—all that was asked. There never was a plainer case; there never was a more just demand. But to this, opposition was offered; the battle of the ten hours was to be fought over again; and then it was that the right hon. Baronet interfered; he took the matter out of Lord Ashley's hands—I will not say as the mouthpiece of the millowner, as the right hon. Baronet denied it—but he brought in a Bill, which, as the price of remedying the technical defect in the Act of 1847, filched from the operatives half an hour of the time secured to them by that Act. Lord Ashley, it is true, assented to that Bill; he (Mr. Butt) must ever think assented to in a moment of weakness; but Lord Ashley assented to it, not as the measure to which the factory operatives were entitled, but as the best that could be carried in the face of the opposition by which his own Bill was encountered. That transaction, he (Mr. Butt) repeated, was a disgrace to the Statute-book. Upon what principle had Parliament fixed the limit of labour at ten hours? Upon the principle that justice demanded it should be so fixed; upon the evidence of all persons acquainted with the constitution of the human frame, who were examined upon the subject, that ten hours of labour was the utmost that the strength of young persons could endure; upon the perfect proof that longer hours of labour were equally destructive to their physical and moral welfare. This was the principle upon which the Act of 1847 was passed into a law; and then when that measure was found technically defective, they turned round upon the workmen in factories, and they told them we will not give you that protection which we have said justice and humanity and the interests of society demand you should have. We will not make our own law effectual, unless upon the terms of making you toil half an hour in the day beyond the time which we have already solemnly declared to be the utmost limit for which you ought to work. This was the transaction of 1850. It was said to be a final settlement of the question. It was called a compromise—a compromise between whom? The factory workers were no parties to it: they had resisted it, and protested against it, and petitioned against it to the very last. But even if it could be termed a settlement, it had been broken through; if it were a compromise, it had been violated by the millowners—by the very men who had insisted on the extra half-hour as the price of their obedience to the spirit of the law. They had not obeyed even the letter of the law; they had not, even on the bargain of their own making, any right to insist on the time they had extorted for an allowance they never gave. He did not speak of millowners as a class; he believed nothing could be more unfortunate for this question than to turn it into a question between master and workman. The best and the wisest of the millowners were with the operatives on this question. He spoke of those who had resisted the limit of ten hours, who had next insisted on another half-hour as the price of their making the law effective, and who now, when they had got that half-hour, still evaded and made ineffectual the law. Under these circumstances the question now came before the House. The conduct of the millowners had made new legislation absolutely indispensable. The factory operatives now appealed to the justice of the House. They asked them to restore to them the half-hour which never ought to have been taken from them, and which it now plainly appeared had been taken without the benefit of an effective law which had been promised them in return. It was now plain the question had not been settled by the law of 1850. He ventured to tell the noble Viscount (Viscount Palmerston) that it never would be settled by any Bill that would not be raising up the principle of a ten hours' limit to the labour of the young. This principle the Legislature had solemnly and deliberately conceded in 1847. That concession could never be retracted. They had a perfect right upon every ground now to ask the House to make effective that principle; to give them a Ten Hours' Act which would secure them the limit of ten hours, which would contain provisions that could be effectually enforced, which would admit of no evasion, and become ineffectual by no flaw. Such a measure his hon. Friend (Mr. Cobbett) asked leave to introduce. To any such measure he (Mr. Butt) would give his most cordial and earnest support. He (Mr. Butt) knew of no subject that could better occupy the attention of that House than one which concerned the wellbeing and engaged the feelings of the great masses of the working people of this nation.

Mr. W. J. FOX trusted the House would allow him to say a few words, feeling, as he did, that he owed it to many thousand of the inhabitants of the borough which he had the honour to represent, to express his entire concurrence in the object contemplated by his hon. Colleague (Mr. Cobbett). He could bear witness to the intensity of the interest which they felt upon this question: it was almost the burden of their thoughts; while to many of them it had been a matter of earnest exertion through twenty, thirty, ay, even forty years. They regarded it as paramount to all political questions, and there was no subject whatever in which their feelings were so deeply and so firmly entwined as they were in this. He heartily concurred, then, in the object of the Motion, understanding that object to be the restoration of the Bill of

1847, and giving back to the labouring classes in factories the half-hour of which they were so unjustly deprived by the Act of 1850. At the time the latter Act was passed, he concurred with the noble Lord the Member for Colchester (Lord J. Manners), in regarding the conduct of Parliament in depriving the operatives of the half-hour as iniquitous and unjust. The arrangement contemplated by the Act of 1847 was satisfactory to the working classes, but it broke down from some technical defect in its provisions, and a mean and ungenerous advantage was taken of this defect to alter the arrangement; but even under the new Act, no one could look over the reports of the Factory Inspectors without being satisfied that the advantages which had been anticipated from that measure had never been derived by the working people, and there was a continual violation of the law going on, and the time had at length arrived when the Legislature must again interfere to protect the labourer. In recognising the object of his hon. Colleague, however, he reserved to himself the right of expressing an opinion as to the means by which it was proposed to accomplish this objet. Whether the Bill he had introduced would be the most effectual method, was a matter for subsequent discussion. The promise of the noble Lord the Home Secretary with regard to the better care of children, was valuable as far as it went. He (Mr. Fox) trusted that the noble Lord would not neglect to put that promise into effect, while at the same time he would remember that it was not merely sufficient protection for children that was wanting, but that also sufficient protection for women and young persons was now claimed. The noble Lord had traced the mortality of children to what they endured after they had entered the mills; but it was a mistake, for the evil arose before they went there, and had its origin in the physical and moral condition of the women. The persons who were aggrieved were in every way worthy of the consideration of the Legislature, for there was a disposition to obtain information, even by self-culture, if no other means were attainable, which had been remarkably exhibited in persons connected with factories; and many of the clerks and supervisors in the factories in the borough with which he was connected, were young men who, with scarcely any exception, had improved themselves by self-culture, by means of mutual and self-supporting educational institutions; and among the petitions he had presented were several from establishments of that kind, in which the violation of the Act of Parliament was distinctly stated to be an invasion on their time and means of acquiring knowledge. Mr. Horner, in his last report, quoted some remarks of Mr. Kennedy in his report in 1851, which were to the effect, "that he could not give a stronger instanee of the value of the half-day to the children, than the fact that in sixty-one schools which had pupil teachers, there were twenty-eight instances of pupil teachers who had received instruction while working for half-days." Let everything be done for the protection of children by all means; but it was when they became young persons that the pressure on them was greatest; and then it was most difficult to follow up the instruction they had received in their earlier years. This was a proper object of legislation. He agreed with the noble Lord (Viscount Palmerston), and the right hon. Gentleman the Member for Morpeth (Sir George Grey), that to interfere with the machinery of labour, was a delicate question; but another question was, whether or not the law should be enforced. He would ask Ministers, could they, and would they, enforce it?—for hitherto it was notorious that it had not been done. He had always objected to interfere with labour; but if there was no other means which could be enforced to compel employers to obey a wholesome law, some stringent powers must be employed to oblige them to observe it. He had thought it due to the interests he represented to express his opinions on the question, and he was glad to find that the House was disposed, without a division, to hear the prayer of those whose interests were advocated by his hon. and learned Colleague.

Mr. WILSON PATTEN said, he would not have troubled the House on this occasion were it not for the observation that had been made by the noble Lord the Member for Colchester, who, if he remembered rightly, had alleged that there was a systematic evasion of the law.

Lord JOHN MANNERS: I assure my hon. Friend I never said anything like it; but I said there was a systematic attempt on the part of some of the master manufacturers to evade the law.

Mr. WILSON PATTEN was sure the noble Lord could not have meant what his words implied; but he had proceeded to class the masters on one side, and the men on the other, an dhow the masters did this, and the men did that; and his observations would lead the public to believe that there was a systematic evasion of the law. Representing a county in which there was a large manufacturing interest, he should neglect his duty if he did not say that in the manufacturing districts of Lancashire the present law was acted upon not only to the spirit, but to the letter. He owned there were instances in which there had been an evasion of the law; it was impossible to read the reports of the Inspectors without seeing that there had been an evasion of it. It would be a very great misfortune if in debating this question they went back to the old system of setting the master against the man, and the man against the master, who felt a desire to act fairly towards each other. The hon. and learned Member for Youghal (Mr. I. Butt) had quoted a report to show that there was a systematic evasion of the law throughout the manufacturing districts; but if he would refer again to the report, and would read the paragraph that followed the one he had quoted, he would perceive that the Inspector mentioned that there had not been a general evasion of the law in the manufacturing districts. If the noble Lord the Secretary for the Home Department was contemplating the introduction of any measure by which he would propose to put a restriction on the moving power, he hoped he would give the country an opportunity of knowing what he was about. He (Mr. W. Patten) could imagine nothing more mischievous than to adopt a system of restriction in reference to the motive power in manufactories, unless it was found impossible to enforce the law by any other means.

VISCOUNT PALMERSTON: The only motive power I spoke of restricting is the motive power of the children.

MR. LABOUCHERE did not think that was the proper time to go at length into the details of the question; but there was one point in the Bill of such novelty and importance that he could not help calling the attention of the House to it for a few moments. The advocates of the preceding Factory Bills had always indignantly disclaimed the intention of limiting the hours of adult labour, and always said their object was to protect those who could not protect themselves, namely, the women, children, and young persons. They must all be aware of the danger and of the injustice of that House preventing the labouring man, under the plea of affording protection to others, from using that which was his only capital, the labour of his hands, to such an extent and in such a manner as he might think right for his own interest. Now, if he did not greatly mistake, it was proposed by the Bill now sought to be introduced, by stopping the motive power of mills for a certain time, to place a restriction upon the hours of adult labour. He would not now discuss all the consequences of such a proceeding, but he would say it was one of the very gravest questions which the House could entertain. He did not complain of the Government for allowing this Bill to be brought in; there might be provisions in it which it would be right to consider; and if the legislation of the House had been set at nought and eluded, it was the duty of the House to make that legislation effectual; but he joined in the regret that had been expressed by the right hon. Gentleman the Member for Morpeth (Sir G. Grey), that the noble Lord the Secretary of State for the Home Department did not, when he gave his consent to the introduction of the Bill, state on the part of the Government his determination to resist that principle. The holding out of false hopes to the labouring population of the country was fraught with danger. He (Mr. Labouchere) respected and loved the population as much as the loudest defender of their interests in that House could do; and he felt that nothing could be more unjust to them, or more fraught with danger, than to interfere with their right of selling their labour for such a price and in such a manner as they should think fit for their own interest. He dared say the observation of the noble Lord was inadvertently made, and he hoped some member of the Government would say that it was their determination steadily to oppose any attempt to limit the hours of adult labour.

MR. BOOKER said, that, in his opinion, this was not a question of the rights of capital, and labour, and industry, but of the rights of nature. He did not on this occasion, any more than the right hon. Gentleman who had just resumed his seat, intend to approach the principle of the Bill which it was proposed to introduce. He merely wished to say that as one engaged—largely engaged—in the employment of manufacturing industry, he gave his most unqualified assent to a measure involving so great a principle as that included in the Bill now submitted for consideration. Now he humbly conceived that the principle involved in this measure was, not the mere principle of whether the mechanical power of the country should be stopped or kept in active operation. No; what was contended for was this, that a law which the Legislature had deliberately passed for the protection of the bone and sinew of England—for the protection of the industrious classes, whether they were engaged in agriculture, commerce, or in manufactures—on whom the welfare of England depended, should be enforced; and it was because he felt the full force of that principle that he freely confessed he entertained an honest pride and satisfaction, representing, as he did, a great agricultural constituency, with having been entrusted with the petitions which he had that evening presented from the great seats of manufacturing industry. He hoped and trusted that the Bill being introduced with the concurrence of Her Majesty's Government—a Bill so nearly concerning the rights and interests of the industrial and manufacturing population of the country—that he (Mr. Booker) would have the opportunity of proving that he was as prepared as any hon. Gentleman in that House to give his vote in favour of those classes receiving all that protection which the Legislature should consider them entitled to receive. But to allude for one moment to a subject immediately brought under consideration—namely, the interference with what was called the mechanical power—he certainly could not conceive any body enacting any such interference. At the same time, he would beg most strongly to observe that if any parties were found knowingly, wilfully, and perseveringly to transgress a law which the Legislature had deliberately passed—while he owned he would have recourse to such a step as a last resource—if he saw those who wielded the capital of the country, the great employers of labour, electing for their own personal aggrandisement, and in order to obtain revenue at the expense of those who were honestly engaged in competition with them, wilfully to transgress the law, under such circumstances he must say it did become a legitimate matter for inquiry and consideration whether the House of Commons should not, by the strongest means in its power, prevent the exercise of those powers which their capital alone enabled such persons to exercise. It was the duty of the Legislature, by stringent laws, to prevent capital from dealing harshly with labour. To the introduction of the Bill, therefore, he gave his most cordial, his most cheerful assent.

Lord JOHN RUSSELL wished to say a few words, in order to prevent the continuance of the misapprehension under which his right hon. Friend the Member for Morpeth (Sir G. Grey), and his right hon. Friend the Member for Taunton (Mr. Labouchere), seemed to labour. For they were inclined to imagine that his noble Friend the Secretary for the Home Department had held out some false hope that he would consent to a restriction with respect to the motive power. Now the fact was, that his noble Friend, in assenting to the introduction of the Bill, had said nothing whatever with regard to motive power, carefully reserving himself from giving any opinion upon the whole subject until the second reading of the Bill. The only observation which he made at all in allusion to motive power, though it certainly had a very material bearing upon the question, was, that he would not consent to any restriction upon adult labour. Now he (Lord J. Russell) was prepared to maintain that it would neither be right nor necessary to impose any restrictions upon adult labour, for it would be a violation of all the principles which ought to govern our legislation upon this subject, and he therefore would not consent to any provisions of such a nature. However, in the speech of the hon. and learned Gentleman who proposed this Bill, there were many observations with respect to the infringement of the present factory laws, and pointing out the means of obtaining the more strict observance of those laws—a course which was perfectly legitimate, and it was therefore only fair that the House should allow of the introduction of the Bill. When the Bill came to be read a second time, its principle could then be fairly discussed. He must say before he sat down, speaking as to what had fallen from his right hon. Friend the Member for Morpeth (Sir George Grey), in reference to the Bill of 1850, that he entirely supported his statement—namely, that the object of that Bill was not simply, as had been stated, to remedy a verbal inaccuracy of the Act of 1847, which prevented its being fully carried out, but because the system of relays had been found to work most injuriously for those in whose interest the measure had been framed. And while, therefore, his right hon. Friend consented to allowing of an extension in the hours of labour to ten hours and a half, he placed a further restriction upon labour on Saturdays. The whole of the matter was then very fully considered, and he believed the propositions of his right hon. Friend were just to all parties.

MR. NEWDEGATE said, that the question which the House had to determine was, would it take the necessary steps to make its legislation effectual? He, for one, would be very sorry to sanction any restriction upon the motive power of factories without a cause; but if the legislation of that House—if the laws of the country—were to be systematically violated, not, indeed, by a majority of those who employed our factory operatives in textile manufactures, but by a minority, then, in justice to those whose interests they sought to protect by their factory legislation—in justice to the women and children of England — in justice to those fair traders who were content to abide by the provisions of our laws—if no other means could be found effectually to guard against such abuses, he (Mr. Newdegate) was prepared to consent to a restriction upon motive power—at all events, in cases where there was proved a wilful and systematic violation of the law. As the representative, indeed, of a large manufacturing district, he should be very sorry to have it go forth that he wantonly sanctioned the introduction of any restriction upon motive power; but at the same time he must say that it ill became Parliament—it ill became the Government —unguardedly to declare such intentions upon the Motion for introducing this Bill, as would preclude them from having recourse to those means which, they might afterwards find, were the only resources effectual for the prevention of frauds which were alike oppressive to the operatives, and unfair to the competitors in trade of those guilty of them. He would support the introduction of the Bill of the hon. and learned Member for Oldham, because he would not consent to behold the laws of the country violated, because he would not see the just claims of the operatives in the northern districts set at naught; and because he would not tie his hands against the enforcement of a principle which had been repeatedly sanctioned by the House of Commons. They might depend upon it that nothing was to be expected from such mealy-mouthed declarations as that of the noble Lord the Member for the City of London. All that he had said to-night he had said before: he had given the same liberal promises, but he adhered to those means which had proved insufficient; this was equivalent to promising that his future should be as ineffectual as his previous legislation on this subject. He (Mr. Newdegate) most sincerely hoped that the House would not be induced to refuse its sanction to the introduction of the Bill of the hon. and learned Gentleman.

MR. E. BALL, having hitherto appeared before the House chiefly as the advocate of the agricultural interest, was anxious on an occasion like the present to express his sympathy for the working classes of the towns. It was a very remarkable circumstance that he should have been selected for the honour of presenting petitions from Manchester, complaining of oppression. Why had not those petitions been sent to the Members for that City? Really, if he should ever quarrel with the constituents of Cambridgeshire, he should give the Members for Manchester a turn, for the many good turns they had done him—by turning them out. With respect to the question before the House, he had only to say that if any persons had been guilty of any oppression of the poor, it was the most terrible transgression that men could be guilty of; and the reports of the Inspectors showed that there was great reason for concluding, that the law had in too many instances been infringed.

Leave *given.*

Bill ordered to be brought in by Mr. Cobbett, Mr. Feilden, and Lord John Manners.

DOCKYARD PROMOTION.

MR. SPEAKER then called upon Mr. Henry Keating to bring forward the Motion of which he had given notice, with respect to the Naval Administration of the late Government, when

MR. DISRAELI said: The hon. and learned Member will perhaps allow me to interpose for one moment between him and the Chair; but I see that the Motion of which he has given notice, is a Motion of an important and very peculiar nature. It is a Motion which is, in fact, a censure upon the late Administration, and especially upon the late Board of Admiralty, who are alleged to have acted in a manner "calculated to reflect discredit upon that Department of the Government, and to have impaired the efficiency of the service." I can hardly suppose that he would, at this hour of the night, a quarter past eleven o'clock, wish to make an *ex parte* statement. I can assure him that the late Government are perfectly ready and anxious to meet any charge which can be made against any branch of the Administration for which they were responsible. If I am not regular in making these observations, I will conclude with a Motion that this House do now adjourn, to place myself in order. But with regard to the administration of the Admiralty, I cannot refrain from observing that I should be prepared to appeal to the fleet now at Spithead as a proof of the efficiency with which that department of the Administration was conducted.

Mr. HENRY KEATING: If the right hon. Gentleman has any intimation to give to me as to any course which he thinks I should pursue under present circumstances, I, for one, should be most happy to hear any proposition which the right hon. Gentleman has to make; but I should submit to you, Sir, that it is scarcely in order for him to anticipate the subject-matter of my Motion, and to do that which he apprehends I am about to do—to make an *ex parte* statement. I trust, therefore, that the right hon. Gentleman will confine himself strictly to asking me any question he may think it right to put to me, or to making any proposition he thinks it right to make to me. And if he has no question to put to me, I hope he will allow me to proceed with the Motion, which I should be allowed by the rules of the House to do, as I am in possession of the Chair.

Mr. DISRAELI: I believe I was strictly in order for rising to move that the House should now adjourn; but I did not wish strictly to obey the rule. What I wished was to ask the hon. and learned Member— [*Cries of* "Order!"]

Sir JOHN SHELLEY said, he must appeal to Mr. Speaker to state whether the right hon. Gentleman was in order in interposing a Motion for adjournment, when the hon. and learned Member for Reading (Mr. Keating) was already in possession of the Chair.

Mr. SPEAKER said, that the right hon. Gentleman was not in order in making a Motion for adjournment, after he (Mr. Speaker) had called upon the hon. and learned Member for Reading to bring forward the Motion of which he had given notice.

Mr. DISRAELI: I was not going to make that Motion, and, therefore, it is not necessary for me to apologise to the House. I rose to ask the hon. and learned Gentleman whether he thought it fair to bring forward a Motion such as that of which he has given notice at an hour when it was impossible to listen to anything but the charge he made.

Mr. HENRY KEATING: I have great pleasure in answering the question the right hon. Gentleman has put to me. I should be extremely sorry to have the slightest appearance of doing anything unfair, especially upon an occasion which involves a Motion of no ordinary importance. At the same time, the right hon. Gentleman will recollect that I, as a private Member of this House, am in a very considerable difficulty, for if I put off the Motion, I know not when I can bring it on; and, having given the notice, I think I am bound to go on with it. If the right hon. Gentleman can assist me in fixing it for an early day, it will give me great pleasure to accede to his request; but if the only power that can give me such a day—the Government—declines to do so, I am sure the right hon. Gentleman will do me the justice to believe that I have scarcely an option, but to proceed even at this late hour.

Mr. DISRAELI: I would suggest that the hon. and learned Member should appeal to the noble Lord the Member for the City of London (Lord J. Russell), to give him an early day for the discussion of this Motion.

Sir JOHN PAKINGTON expressed his hope that the noble Lord would be able, consistently with his views of public duty, to allot a day for the discussion of this question. As a Member of the late Government, he wished to say that he did not shrink from the discussion.

Lord JOHN RUSSELL: I have to say that the Government business now before the House is of such vast and pressing importance that it is impossible for me to assign a day within a short time for the discussion of this Motion.

Mr. HENRY KEATING said, that he begged to assure the House that he brought forward this Motion under a very deep conviction that the Report of the Select Committee on Dockyard Promotion, recently laid on the table, rendered absolutely necessary an expression of the opinion of that House upon the important facts which it contained. When the hon. Baronet the Member for Marylebone (Sir B. Hall), originally brought this subject before the House, he stated in a clear and able speech that an alteration of a very important kind had been made by the late Board of Admiralty, in an unusual if not an irregular way, in reference to the cancellation of an important circular issued by their predecessors in the year 1849, and regulating the mode of promotion in the dockyards, in conjunction with a previous order issued in 1847. And the hon. Baronet stated upon that occasion that he had reason to believe that that proceeding was adopted by the late Board of Admiralty with a view to the coming elections, and for political purposes. Upon that occasion he stated several cases, which, if he had a Committee, he said he thought he could undertake to prove, and he also alluded to certain personal matters which were not important on the present Motion. A discussion of some considerable length followed his speech. Hon. Gentlemen on the other side of the House were heard also at considerable length. The hon. Gentleman the Member for North Northamptonshire (Mr. Stafford), who was particularly interested in the Motion, made a very able and impressive statement; but, notwithstanding that, the House—the Government assenting—thought the matter one of such deep importance that the Motion of the hon. Baronet was assented to, and a Committee was appointed without a division. That Committee, chosen as it was from Members on both sides of the House, and comprising men of station, great knowledge, and considerable Parliamentary experience, was exceedingly well qualified for the discharge of the duty assigned to it. It was presided over by a noble Lord (Lord Seymour) whose talents for the conduct of business would be readily acknowledged, and whose exalted rank and long acquaintance with official life rendered him eminently qualified to preside over such an investigation. He added one further qualification to these—that he was the able and untiring Chairman of the Committee which sat, in 1848, upon the subject of the Army, Navy, and Ordnance Estimates. That Committee conducted the inquiry which had been committed to them in a very able manner, and faithfully discharged their duty to that House and the country. The public at large regarded their proceedings with the greatest possible anxiety. Their inquiry involved the interests of the Navy—the arm upon which this country must always rely in her hour of peril whenever it should arrive; and as this was evidently a subject of the highest moment, he did not think he exaggerated or misdescribed the state of public feeling with respect to it, when he said that there never was a Committee of that House the proceedings of which were watched with more intense interest by the people generally. After sitting for many days, and examining a great number of witnesses, that Committee made its Report; and, confining itself strictly to the terms of the reference which had been made to it, contented itself with finding the facts, and not giving any opinion whatever upon those facts. In his judgment, the Committee acted most wisely in so doing. The inquiry committed to their charge was not only of an important, but of a very delicate, nature; and he thought, when the terms of the reference to that Committee were considered, it would be seen that they exercised a wise discretion under the circumstances in which they were placed, and that it would have been too much for that House to have expected that the Committee would go beyond the letter of that reference to pronounce any opinion on a matter of so much delicacy, and of such grave importance. The terms of that reference were—

> "That a Select Committee be appointed to inquire into the circumstances under which a 'circular sent to the superintendent of Her Majesty's dockyards, dated September 26, 1849,' was cancelled on the 19th day of April, 1852, without any order or minute of the Board; also, to inquire into the circumstances under which a letter addressed by Sir Baldwin Walker to Mr. Stafford, as Secretary to the Admiralty, in which letter Sir Baldwin Walker tendered his resignation, as Surveyor of the Navy, was withheld from the Board; also, into the circumstances connected with the appointment of Mr. James Wells, as master smith in the dockyard at Portsmouth, the subsequent cancelling thereof, and the appointment of Mr. George Cotsell in his stead; and generally into the exercise of the influence and patronage of the Admiralty in the dockyards and Government departments connected with the several Parliamentary boroughs."

The terms of that reference were quite general. There was no question put to which the Committee could give any answer; there was no precise point raised on which they could give an opinion, and therefore, as he had already said, it appeared to him the Committee exercised a wise discretion in solely reporting the facts, leaving the House, which had directed that those facts should be elicited, to dispose of them as they thought proper. That Report was laid upon the table, and, to be fully appreciated, required a very minute acquaintance with the evidence upon which it was founded. As a masterly analysis of that evidence, he had no hesitation in saying that that Report was one of the ablest documents ever laid on the table of that House. He believed if hon. Members had read the evidence upon which it was founded—evidence necessarily of a discursive, complicated, and difficult nature, they would agree with him that, as an analysis of evidence, the Report was such as he described. The Report merely finding the facts placed the House in this position. They had, without even a division, referred matters to that Committee, and the facts directed to be inquired into had been stated. Whatever hon. Members on either side of the House might think about those facts—whatever conventional Parliamentary idea they might entertain with regard to those facts—he believed they were considered important and startling by the country at large. And it was with a deep conviction that the expression of opinion on those facts, so reported by the unanimous voice of the Committee, involved the credit of that House, that he ventured to solicit their assent to the Motion he was about to make. He had endeavoured to frame that Motion in a sincere desire to avoid giving to it the appearance of personal hostility to any individual whatever. He need scarcely disclaim for his own part entertaining any such feeling; for, perhaps, the only element of fitness he possessed for the task which he had undertaken was, that he had not the slightest personal acquaintance with any individual mentioned in the Report of the Committee; and he could assure hon. Members it was foreign to his feelings and his nature to wish to convert that which he thought was a great public question into a matter of personal reflection. He thought he had framed his Resolution in terms which did not approach anything like personal hostility, and he undoubtedly entertained the opinion that to enter into the departmental arrangements of the late Board of Admiralty, and to seek out where the responsibility was to be laid—how it was to be apportioned—in what way and to what extent the members of that Board were to be held responsible, did not comport with the dignity of that House, nor with the position which they ought to assume on an occasion of this importance. In addition, it seemed to him the feelings of the people of the country would be that they were not at all concerned with the precise part taken by any particular individual, but only with the system which the Report disclosed. It was against that system, and that system alone, that the present Resolution was directed; and he must be allowed to say the right hon. Gentleman (Mr. Disraeli) was greatly mistaken in supposing that the Resolution was levelled at anything more than the exposure of the system which unfortunately was adopted with reference to dockyard promotions by the late Board of Admiralty. At that late hour of the evening he should proceed as shortly and succinctly as possible to lay before the House a statement of facts which seemed to him to call upon the House to assent to the Resolution which he proposed; and if those facts were not sufficient, the House ought not to be influenced by any comments upon them. The House were aware that in the year 1847 the state of the dockyards attracted the serious attention of Lord Auckland, who was then at the head of the Admiralty. There was, no doubt, looking at the terms of the circular which was then issued, that the state of the dockyards at that time was extremely unsatisfactory, partly, if not mainly, attributable to the circumstance of political influence controlling promotions in the dockyards. The circular recited the cause of its issue:—

> "Their Lordships will not entertain any general charges of indifference to expense on the part of the officers, or of inertness on that of the men; and they are equally unwilling to dwell upon representations made to them of the effect of political feeling, in some of the yards, upon the course of promotion, though they can conceive nothing more dangerous to their discipline, if true, or more detrimental to the public interest. They wish to look forward, not to look back; their object being to introduce a system that may inspire every man with the belief that his conduct will be known and appreciated by his superiors, and that, however humble his position originally, his future fate depends upon his own exertions. Their Lordships see too much reason to apprehend that such is not the present state of feeling in the dockyards; but that the rise from shipwright to leading man, and from leading man to inspector, is regarded rather as a matter of accident, or favour, than as a reward due to merit, and to be dispensed upon plain and equitable principles. They feel that wherever such an impression prevails, subordination must be weakened; and they have, consequently, resolved to lay down one fixed and intelligible rule of promotion for all classes, as the best foundation of that more vigilant and intelligent superintendence which they regard as indispensable."

The circular laid down certain rules for the entrance of apprentices to the dockyards, and for the promotion of all parties found in those yards; but it would occupy much less time if he read that part of the Report of the Committee which gave the effect of the circular:—

> "The Lords of the Admiralty state their determination to introduce and maintain a system of promotion, under which every man who shall have once entered the service of the dockyards, may learn to look to his own exertions as the only means of future advancement. With the view of giving effect to this determination, the circular

contains a scheme, according to which, whenever a vacancy offering an opportunity for promotion shall occur, the principal officers of the dockyard are directed to select three names of the persons who, after examination, shall appear best qualified to fill the vacancy, and they are required to submit these names, with a full report of the respective merits of the candidates, to the superintendent of the dockyard. The duty is then imposed on the superintendent of investigating closely these returns, and of satisfying himself as to their perfect impartiality; after which he is authorised to reduce the number of candidates to two, by striking out the name of that candidate whom he considers least qualified. The report of the superintendent, containing his opinion of the merits of the candidates, with the original documents annexed, is then to be forwarded to the Admiralty; and the Lords of the Admiralty announce their intention to be guided by these reports in the selection of one from the two names submitted to fill the vacancy. In laying down this scheme of promotion, the Lords of the Admiralty reserve to themselves the right of making any further inquiries which they may see fit; but they state that they will in all cases seek the advice and concurrence of the superintendent before their choice is finally notified. They call upon the superintendents and the principal officers of the dockyard to assist them in working out this plan honestly. They further assert, that by the surrender of their own patronage they have given proof of their sincerity, and have removed everything which can warrant a suspicion that preferment will be the result, not of services, but of political favouritism. They conclude by observing, that the good or bad working of every system must depend, in a great measure, upon those who are entrusted with its administration, and they can only express their determination to mark with their severest displeasure every attempt to thwart their intentions, and to reward those who shall cheerfully second them by every proof of their favour and approbation."

The Board of Admiralty by the force of that circular gave up absolutely all patronage with respect to promotions in the dockyards. It preserved to itself undoubtedly the patronage in original appointments or first entries, but it parted completely with the patronage of promotions, beyond the single reservation of selecting one of two names sent up by the superintendent of the dockyards. In making that selection, they would unquestionably consult the persons they made the judges of merit, namely, the superintendent and principal officers of the dockyard, and according to the spirit of that circular they were bound to regard only the merits of the parties, and not to allow of any political interference. The House would bear that in mind, as it was made extremely clear by the subsequent construction put upon the circular, and the mode in which that construction was carried out. In the early part of 1849, on the death of Lord Auckland, the right hon. Baronet the Member for Portsmouth (Sir F. Baring) succeeded as First Lord of the Admiralty; and it would be an act of injustice, in looking over this Report and evidence, not to pay to that right hon. Gentleman the tribute which he so richly deserved, and it could be paid to him with the greater propriety that he was now out of office. During the whole course of his administration, that right hon. Gentleman seemed to have had one object, and one object alone, in view—the good of the public service. Looking neither to the right nor to the left—treating, to use a phrase in one of his letters, friend and foe alike—dispensing the patronage without reference to anything but the merits of individuals, he discharged his trust in a manner which reflected upon him the greatest possible honour. When the right hon Baronet was called to administer the affairs of the Admiralty, in consequence of a reconstruction which had recently taken place in the department of Surveyor of the Navy, a corresponding change with reference to the routine of the dockyards became almost absolutely necessary. And, as one of the great matters in consideration would be what seemed to him to have been a most unjustifiable interference with the department of that high officer, it was right that the House should be reminded what his functions were, and what was his responsibility, as fixed by the letter of Lord Auckland's administration, recognised and adverted to by the Report of the Committee of 1848, to which he had alluded—

ADMIRAL BERKELEY here rose and said: I beg leave to call the hon. Member for Donegal (Mr. Conolly) to order. His conversation is so loud, his interruption is so great, that, interested as I am in the present discussion, I beg leave to call him to order.

MR. CONOLLY rose from the Opposition side, but did not proceed further than to address the Speaker, being met by loud calls to order.

MR. KEATING resumed: It was right that the House should be reminded of the functions of the Surveyor of the Navy, and he found that the Report of a very influential Committee, which sat in 1848, referred to them, and stated that the proper application of the sums voted by Parliament for the Navy department depended greatly on the superintendence of the Surveyor of the Navy, and that to him was committed the whole control of the dockyards, he being required to decide upon the amount of work and number of artificers necessary. Such being the duty of the Surveyor of the Navy, his responsibility was, of course, great in proportion. When the right hon. Baronet the Member for Portsmouth assumed the head of the Admiralty Board, a change was suggested by Sir Baldwin Walker, which convenience had rendered absolutely necessary, and which was subsequently adopted by the First Lord of the Admiralty. The change was this—that the reports of the superintendents should be sent direct to the Surveyor, instead of being first sent to the Admiralty, and that the Surveyor should then make what was called his "submission" on them. To carry out this object, the circular of September, 1849, was issued. Undoubtedly, that was not technically a Board Minute, but it was a Minute, approved by the First Lord of the Admiralty, after discussion with the members of the Board—was countersigned by the Secretary, issued to the dockyards, and acted upon from September, 1849, until the 19th April, 1852; and when he said that the circular of 1847, carried out in its provisions by the circular of 1849, had secured as much as possible the object intended, he stated that which was fully borne out by the evidence. He might allude to the Minutes of evidence taken before the Committee of 1848, in which Sir Henry Ward, then Secretary to the Admiralty, being asked by the present First Lord whether the circular of 1847, as carried into effect by Lord Auckland and the Board of Admiralty, had given satisfaction to the working men, read a letter from Admiral Sir John Louis, superintendent at Devonport, dwelling upon the good effects of the new system of promotion on the habits and morals of the men affected by it. When the circular of 1847 was issued, the men in the Royal yards were in a state of great disadvantage as compared with workmen in private yards. Before 1847, political influence did enter into consideration in arranging promotions, independently of the merits of the men, and this circular proposed a change of system, in order to counterbalance the larger pecuniary rewards of private dockyards, which had obtained for them a decided advantage over the Royal dockyards. Among the officers who had given the most decided testimony to the entire success of the experiment were Captain Milne, Captain Richards, Admiral Sir Thomas Herbert; and even the Duke of Northumberland himself, was strongly in favour of consulting the Surveyor of the Navy as to the plan carried into effect by the circular of 1849. Admiral Parker, Commodore Seymour, Commodore Eden, and every officer called before the Committee who had anything to do with the working of this circular, bore the most complete and unqualified testimony to its success. In these witnesses there was one exception, and a very characteristic one—that of an electioneering agent for the borough of Devonport, who seemed to have been led away by his partisan feelings, for he stated that not only had the circular which produced such excellent results been insufficient for the object proposed, but that political influence was more rife, or certainly as rife, in the borough of Devonport after 1847, than it had been before; that nobody but Whigs were promoted, the utmost proportion of Conservatives being two out of thirty-six. The House would recollect that these promotions took place under the direct superintendence of the Commodore Superintendent, Commodore Seymour, a gentleman whom the electioneering agent to whom he had alluded, Mr. Beer, pronounced to be a Conservative; but, to the honour of the gallant officer in question, he said that nobody had discovered what his politics were from the manner of dispensing patronage. Mr. Beer also stated a course of proceeding which must have been unknown to a succession of superintendents, and he charged the administration of the right hon. Member for Portsmouth with every species of political corruption that could well exist in a dockyard; he said they had created superannuations wantonly and needlessly, for the purpose of getting an opportunity of making appointments; but he certainly was most unhappy in his selection of topics. This gentleman charged against that administration that they not only created superannuations needlessly, but that they actually superannuated men who were Conservatives, whilst they retained men who ought to have been superannuated, because they were Whigs. He might refer, as an instance, to the case of a man of the name of Honey. The House would see what credit was to be attached to the witness's (Mr. Beer's) statements when they were told how he came by his information, which, he said, was furnished to him in order that he might make some use of it at the hustings. Mr. Beer stated—

> "Amongst them, looking through the list, I see that there were two men brought up for super-

annuation, one of whom was called Honey, and the other was called Axford. They were both over sixty years of age. Honey had always voted for the Conservatives, and Axford was a very active partisan of the Whig side; Honey was told that he was too old, and that he must be superannuated, and Axford was kept, though he was seven years older, and, as I am told, the inferior workman of the two; and it is a fact, that those two men were brought up for superannuation at the same period.

"At what date was that?—Honey, I think, was superannuated on the 10th of March, 1849, and he complained a great deal about it at the time, and insisted upon it, that he was a better workman than the other.

"Who was the Superintendent at the time?—Sir John Louis.

"Does not the Superintendent of the yard attend at the examination of the men named for superannuation?—I do not know.

"Your impression is, that men have been unfairly superannuated?—I should consider that if Honey is as good a workman as Axford, if age had anything to do with it, Axford ought to have gone, because he was seven years older; and I consider that if they were equally good workmen, a very gross injustice was done in that case.

"Do you know of your own knowledge the state of the health of those men, or their fitness comparatively for superannuation?—I do not know; I speak of the reports that were brought to me.

"Lord Hotham: You know this from Honey's own complaint?—Yes, he complained a great deal about it.

"The Chairman: What superannuations were there during the nine months that Lord Derby's Government were in office?—I do not know.

"That would be a question in which your friends at Devonport would be greatly interested, would they not?—Yes, but I do not remember; in fact, it is probable that I should not have known so much of the superannuations at the time of which I have spoken, except that they were furnished to me for the purpose of making some use of it at the hustings at the election. A great deal is said at the time, whichever party is in power, about political patronage; and I was anxious to be in a situation to show the effects of Government patronage before that period."

He (Mr. Keating) was informed that these examinations took place in the presence of the superintendent, of two surgeons, and of other officers; and Mr. Beer was therefore, in effect, charging these gentlemen with a conspiracy for the purpose of superannuating one man, and retaining another of more advanced age and less ability in the public service. Another case was that of Burt and Oram, as to which Mr. Beer stated:—

"I was consulted upon it. Burt was a man who had always voted with the Whigs, I believe, until the last election; and, at the last election, he voted for one or both of the Conservative candidates; but, from a communication made to me, it appeared to have not been generally known. He called upon me one day, and told me that an order had been received in the dockyard to send a man to Portsmouth to learn the planing machine; that he had been sent for by Mr. Edye, and he had been recommended for the situation; and he expressed himself in this way, 'I hope you will not interfere to prevent my getting it.' I said I should not; if I had known it at all I should not have interfered at all in the matter. I said, 'You speak to me as though you were recommended. I understand from another source that you are not recommended.' Then he said, 'I assure you I am; it must be a mistake of yours; Mr. Edye sent for me, and examined me as to whether I would like to go, and told me that he would recommend me:' and I said, 'If you make inquiries, I think you will find that after you were sent for, another man was sent for, and he, I believe, is on his journey to Portsmouth at this moment.' I have never seen him since; and he found, on returning to the yard, that although he was sent for, and promised to be sent, the other man was sent."

It happened, however, that Commodore Seymour instituted an inquiry on the subject; he had the two men before him; and he came to the conclusion that the appointment had never been promised to Burt, and that Oram had been appointed in consequence of his merit, which was unquestionably superior to that of his competitor. The circular of 1847 itself presupposed that the system previously in use in the dockyards with respect to political influence was bad, and established another for the purpose of getting rid of it. Not only did the testimony of every witness who could be supposed to know anything of the matter contradict Mr. Beer, but he was contradicted by facts that admitted of no dispute. The efficiency of the dockyards was impaired by the system that prevailed prior to 1847, and the circular of 1847 was written for the purpose of bringing the Royal dockyards as nearly as possible to a par with the private yards. What was the consequence? That between the years 1846–47 and 1851–52 there was a saving of 139,000*l.* in the annual expenditure for wages; the number of men was reduced from between 12,000 and 13,000 to between 9,000 and 10,000, and as large a quantity of work was obtained from the latter number as had been obtained from the former. He thought, therefore, looking at the evidence, it would be extremely difficult for any hon. Gentleman on the other side to contend that the circulars of 1847 and 1849 did not answer the purpose for which they were issued. Indeed, with respect to the circular of 1847, there was evidence entitled to the greatest possible weight from them—the evidence of the Duke of Northumberland and the late Secretary of the Admiralty, who made it their excuse for rescinding the circular of 1849 that they wished to return to the system of 1847, though how far they did so return would be seen presently. This was the state of things at the beginning of March, 1852, when the late Administration came into office. Immediately upon the accession of the Earl of Derby to power, he stated in another place his intention to dissolve Parliament. It was upon the 31st of March, 1852, that a gentleman distinguished in these proceedings, Mr. Grant, a clerk of the Admiralty, and private secretary to the late Secretary of the Admiralty, found himself at Somerset House; and being there, he went to the Surveyor of the Navy, Sir Baldwin Walker, and made to him, according to the statement of that functionary, the following extraordinary proposition:—

> "About the 31st of March, 1852, Mr. Grant came to me from Mr. Stafford with a request that I would not submit the names of the persons to be promoted into the vacancies for foreman and inspector of shipwrights in Devonport dockyard, as Mr. Stafford's political friends were dissatisfied; he wished to promote some of their party. I felt annoyed at receiving such a message, and requested Mr. Grant to inform Mr. Stafford that I had been upwards of four years in the department; that I had not allowed political motives to influence my submissions to the Board with respect to promotions in the dockyards; and that I was not going to commence jobbing for him or anybody else; and I requested that such a proposition should never again be named to me. Mr. Eden, of my department, entered the room during the conversation, and heard what I said to Mr. Grant."

From the tenor of Mr. Grant's evidence, it was clear that the state of that gentleman's recollection as to what took place on the occasion referred to, was such as scarcely entitled him to be placed in comparison for accuracy with Sir Baldwin Walker, who was perfectly clear where Mr. Grant had only a belief, and whose statements, also, were corroborated by Mr. Eden. The late Secretary to the Admiralty had stated before the Committee that he had not sent Mr. Grant to make this communication to the Surveyor of the Navy; and that statement was confirmed by Mr. Grant. He (Mr. Keating) had no doubt that Mr. Grant had not been sent on this mission, but it was wholly inconceivable that a clerk in the Admiralty should go to the Surveyor of the Navy and make a proposition of this sort if he had not ascertained, in some shape or way, that the proposition would not be unpalatable to some of the highest authorities at the Admiralty. On the day but one afterwards, the following letter was sent to Sir Baldwin Walker:—

> "Dear Sir Baldwin—I find that great dissatisfaction exists among my political friends as to the present arrangement of appointments and promotions in the dockyards, as there is a very general impression that all those things are dispensed among our political opponents, insomuch that there seems no alternative but to resume the system which existed previous to September, 1849. I need not tell you that no one considers the blame, if blame there be, to rest with you; but you are thought too far removed from politics altogether to understand the small intrigues which go on in these places. For myself I hate the notion of patronage altogether, and the change of the existing arrangement would only expose me to perpetual annoyance and trouble; but in any case your wishes would always have great weight with me. In the perfect frankness with which I now state the case and ask your opinion, I hope you will perceive the sincere respect, with which I remain, dear Sir Baldwin, yours, &c.,
>
> "AUGUSTUS STAFFORD."

The letter of Sir Baldwin Walker, in reply, was of a very sturdy character:—

> "My dear Sir—In reply to your letter respecting the great dissatisfaction which exists among your political friends, as to the present arrangement of appointments and promotions in the dockyards, I can only refer you to their Lordships' circular of the 27th November, 1847, by which you will perceive that, unless these regulations are withdrawn, and fresh ones substituted, advancement on political grounds is totally impossible, if the Superintendents of the dockyards perform their duty. It is needless for me to disclaim having favoured any political party, for you will clearly perceive, on reading the existing regulations, that merit alone can obtain advancement. With reference to that part of your letter in which you state that there seems no alternative but to resume the system which existed previous to September, 1849, I have to observe that it was only reverting to a system which had always been in force prior to 1845, and was then discontinued, I have reason to believe, on personal grounds. It is for their Lordships to decide whether they will rescind the order of September, 1849, which has been the means of causing an annual reduction in the wages of the dockyards of upwards of 10,000*l.*; but if it is, of course the Surveyor will be deprived of that control which is so highly necessary, and can no longer be responsible for keeping the establishments under the estimates. I have now stated the case frankly, and I beg you to believe me, my dear Sir, very faithfully yours,
>
> "B. WALKER."

Now, subsequently, the late Secretary to the Admiralty took credit to himself for having asked Sir Baldwin Walker for his opinion on this matter; and certainly the opinion of Sir Baldwin Walker was expressed in the most distinct terms, about which there could be no mistake. It appeared, however, that that opinion was asked rather as a compliment than with any intention of acting upon it. Sir Baldwin Walker afterwards waited upon the Secretary to the Admiralty, and a discussion took place between them as to the tendered resignation of Sir Baldwin Walker. It was desirable that the House should understand that the Surveyor of the Navy had no patronage, properly so called, and that his function was to forward the names sent him by the Superintendent, giving his own opinions on them, to which opinions, no doubt, the Admiralty paid due attention. It was impossible to conceive how the object of getting rid of political influence in the dockyards could be attained by the cancellation of the circular of 1849. Sir Baldwin Walker had an interview with the Secretary to the Admiralty on the 5th April, and a warm discussion took place. It was on that occasion, that, according to Sir Baldwin Walker, the Secretary to the Admiralty said that there was no use blinking the question, for that he was so pressed by Lord Derby and the Chancellor of the Exchequer, that he could not help himself, but must have recourse to some change in the system of promotions. According to the Secretary of the Admiralty, the words given by Sir Baldwin Walker were not exactly the words used on that occasion. The Secretary to the Admiralty says that the words that he used were, as near as he recollected, that the Government of Lord Derby and of the Chancellor of the Exchequer would not allow political promotion to go among their enemies, any more than any other Government would. Now, he did not think it material to inquire whose version—Sir Baldwin Walker's or the Secretary to the Admiralty's—was accurate. It signified little which was accurate, because, as the Report said, all that was the least material in the matter was, that the names of these two distinguished personages were mentioned in a discussion in which the Secretary to the Admiralty wished to constrain Sir Baldwin Walker to adopt a system which he disapproved. The opinion of Sir Baldwin Walker on the point of promotion ought to have had great weight with the hon. Gentleman; and the hon. Gentleman asked him his opinion, and not only received his opinion, but also his most positive assurance, that the change would affect his control over the dockyards, and consequently their efficiency. With regard to the undue influence which the hon. Gentleman (Mr. Stafford) alleged had been used in the dockyards against the Government, the circumstances were these: The hon. Gentleman (Mr. Stafford) said, that he had been informed that certain persons in the Surveyor's office, whose names were afterwards mentioned, had acted from political bias, and that by their means, and not through the means of Sir Baldwin Walker, situations had been obtained in the dockyards. Now, Sir Baldwin Walker, when called, stated that this could not be so, because no person at all in his office had influenced his submissions. The Secretary of the Admiralty said that this might be true, and yet that these parties, having communication with the dockyards, had been enabled to have the right names sent up. Well, he (Mr. Keating) asked, if that were so, how could repealing the circular of 1849 prevent such a system, as the names had then to be submitted to the Admiralty? There were persons in the hon. Gentleman's office who knew better than the hon. Gentleman could do about the details of the department—he meant the parties whom the hon. Gentleman consulted; and they must at least have been fully aware of the effect which the cancellation of the circular would have upon the object which the hon. Gentleman said he had in view. One reason for giving this control to the Surveyor of the Navy was, that he alone could judge what vacancies were to be filled up. The Captain Superintendent of a particular dockyard, of course, could only know what passed in his own domain; the Surveyor of the Navy was the only person who had the supervision over the whole of the dockyards, and who could regulate the wants of one by means of the excess of another. Now, although the repeal of the circular of 1849 could not effect the hon. Gentleman's object, yet it would be accompanied, and was accompanied, by the cutting off of all communication with the Surveyor's office, and thus deprived the Surveyor of the control over the filling up of offices which he could alone satisfactorily exercise. He (Mr. Keating) did not believe the hon. Gentleman was at all aware of the effect of this proceeding; he had, no doubt, been told merely that the repeal of the circular would effect a certain object, and had taken the matter for granted; but those who counselled him were wiser than the hon. Gentleman, and therefore, whilst he acquitted the hon. Gentleman, he could not acquit his advisers of a knowledge of the effect of the cancellation of the circular of 1849. The Duke of Northumberland had stated that he thought the consultations with Sir Baldwin Walker were still continued; but, with the exception of an instance in which the papers, by some chance, found their way to the Surveyor's office, and when the Surveyor made certain submissions, which were, however, disregarded, the intercourse with the Surveyor's office was entirely cut off, and the control of the Surveyor was taken away. Commodore Eden admitted that the superintendents often wished to have the vacancies in their yards filled up, because the more hands the lighter the work; but added that they ought not to be filled up without the leave of the Surveyor, because the proceeding might not be for the interest of the service. Now, of these vacancies there were between 200 and 300 at the time of the preceding Government leaving office; and, therefore, there was good and sufficient reason why the cancellation of the circular should take place, followed up as it was by the cutting off of the communication with the Surveyor. In 1848-9, in consequence of the Report of the Committee to which he had referred, there was a vast number of superannuations, and the establishments were reduced, and the appointments were very considerable. In 1852, the superannuations were nearly 200, or more than the average of the four preceding years, including the exceptional 1848-9; and there were 735 appointments. This corroborated what Sir Baldwin Walker said, as to the large number of vacancies existing when the preceding Administration went out of office. Sir Baldwin Walker said that these vacancies were kept partly for the number of apprentices who were coming out of their time in 1853. Yet, without consulting him, they were all filled up, and in 1853, when 161 apprentices had finished their period of service, there were only thirty-four vacancies left to give them. This was an illustration of the mischief to the service, as the consequence of a step taken upon such slight consideration, and without the sanction of the Surveyor. The hon. Gentleman (Mr. Stafford) admitted in evidence that it was for the Lords of the Admiralty to rescind the circular, and said that he consulted the First Lord respecting the cancelling of the order, and that he could not have cancelled it if the First Lord had refused his assent. The Duke of Northumberland, when questioned by the Committee with reference to his consultation with the Secretary of the Admiralty, on the subject of rescinding the circular of September 1849, stated that he had not considered one way or another the expediency of rescinding it, but that the Secretary of the Admiralty had complained to him of the difficulty he experienced in the discharge of his duty, owing to the whole of the appointments and the patronage of the Admiralty being in the Surveyor's office, and being used against the Government. He (Mr. Keating) said that this was an entire mistake, because the Surveyor had not a single appointment, nor any patronage whatever in his hands. The noble Duke further stated that he always refused to interfere from his want of experience; and on being asked whether, when he was told of the patronage being used in favour of his political adversaries, he instituted any inquiries at the time, his Grace's answer was, "None whatever;" and he also added that he never knew, during the whole period that he held office, whether the patronage was in the hands of the Surveyor or of the Secretary of the Admiralty—that he never knew anything about it—that it was never brought to his knowledge. All that he (Mr. Keating) could say with regard to the evidence of the noble Duke was, that the impression which it left upon his mind was one of deep regret, that, occupying so responsible a position, he should have handed over to the Secretary of the Admiralty, without further inquiries, the control of the patronage of his department, and should now seek to disconnect himself from the course that had been pursued by the hon. Gentleman (Mr. Stafford). The Duke of Northumberland said—

> "On every occasion when it was mentioned to me by Mr. Stafford, on his representations I objected to interfere. I would not interfere because I had not had sufficient experience; but he afterwards represented to me that Mr. Parker's circular had been written by him, and was not a Minute of the Board, and that he as Secretary had the same power to revoke it as Mr. Parker had to issue it; he said also that he would do so on his own responsibility."

And the Duke further said that on that ground, and that ground only, did he give authority to cancel the circular. The Duke further stated that he relied entirely upon the assurance of Mr. Stafford, that he had power to cancel the circular of 1849 irrespective of any order or Minutes of the Board, and that he on several occasions refused to interfere to cancel the order—that he was unwilling to interfere—that he did not wish, without more experience, to do anything in the matter. He had no hesitation in saying that upon such evidence it would have been impossible properly to suspend the function of the meanest clerk or lowest porter in the Admiralty. It would have been perfectly unjustifiable to have done so without some better information than that on which this important circular was cancelled. The hon. Secretary to the Admiralty stated that he had the assent of the First Lord for the issue of the circular of the 19th April, 1852; and that could not be denied, because it was recognised in the Minutes of the Board. [*Cries of* "Divide, divide!"] Hon. Gentlemen must be aware it was quite necessary, in a case of this kind, for him to advert to the evidence and the circumstances on which he relied. He would ask, how was the circular of 1847 regarded by the Board of Admiralty? It was distinctly stated that the object of cancelling the circular of 1849 was to revert to that of 1847. Now how was that? The first case which he wished to detail to the House was the case of Ridgway at Chatham. That person was reported against by Captain Richards, who said he was not a fit man to be promoted. Ridgway had previously attempted to gain promotion from the right hon. Member for Portmouth (Sir F. Baring), by means of an application through his constituents in that borough; but the right hon. Baronet sent immediate directions to the dockyard at Chatham to reprimand Ridgway. These were his claims to promotion, and yet the Board of Admiralty sent down an order to promote him. [*Cries of* "Divide, divide!"] He should begin to think shortly that hon. Gentlemen opposite were not desirous of hearing the circumstances of the case. The case of Ridgway was a strong case. ["Oh, oh!"] If hon. Gentleman could prevent its being heard, so much the better for them. It was a distinct violation of the circular. Captain Richards wrote to the Secretary to the Admiralty, calling his attention to the impropriety of that appointment, stating all that had occurred, and all the particulars of his disqualification; notwithstanding which an order was sent down that the promotion should go forward, and if he was found incompetent he might be reported to the Board. But Captain Richards, considering the manner in which his letter was treated, declined to take any further notice of the matter. That case was followed by another of a similar description, where an incompetent man was appointed, the service was damaged, and the circular of 1847 was distinctly violated. There were ten cases at Chatham in which that circular was violated. At Devonport there were twelve similar cases. At Deptford several instances occurred, in one of which a person who had been previously discharged for drunkenness, was, by an order of the Admiralty, directly promoted, against the recommendation of the superintendent. There were eight cases at Woolwich, differing in this respect, that undoubtedly the letter of the circular of 1847 was not violated. Now he contended that in every one of these cases—thirty or forty in number—the circular had been violated for political purposes. The Secretary to the Admiralty had stated that in most of these cases in which he differed from the superintendents, they were cases of the recommendation of unworthy persons—

Mr. BOOKER rose to order. The hon. and learned Gentleman had broadly stated that individuals of blemished character were promoted merely for the sake of political purposes. [*Cries of* "Order, order!" *and* "Chair, chair!"]

Mr. KEATING resumed: The words of the Committee's Report were these:—

> "There can be little that these results have attended the appointments adverted to by witnesses well qualified to give an impartial opinion on this subject. Officers of high character in the Navy, distinguished alike for professional abilities and unblemished honour, observed the course of promotion in the dockyards during the last summer with apprehension, with feelings of humiliation, with dismay, and even with disgust."

That statement was amply borne out by the letters of Commodore Seymour, Admiral Parker, and Captain Richards, which had been put in evidence. It had been proved also that the hon. Gentleman the Secretary to the Admiralty stood at the ticket-office at Devonport, with the Government candidates for that borough, as the workmen came out of the yard; that he entertained the political friends of the candidates there, the expenses of his trip and of the dinner being charged to the contingencies fund. It could not be doubted that such proceedings tended to impair the efficiency of the service, and to bring discredit upon the Government. However that might be regarded by hon. Gentleman opposite, these matters were viewed very seriously throughout the country at large, and he believed they were calculated not alone to damage this or that party, but to bring the entire Government of this country into discredit. Under these circumstances, he called upon the House to confirm the Resolution of which he had given notice.

Motion made, and Question proposed—

"That, referring to the Report of the Select Committee on Dockyard Promotions, and the Evidence upon which it is founded, this House is of opinion, that during the administration of the late Board of Admiralty, the patronage of Dockyard Promotions, and the influence of the Admiralty, were used and exercised for political purposes, to an extent and in a manner calculated to reflect discredit upon that department of the Government, and to impair the efficiency of the Service."

SIR JOHN PAKINGTON: I rise, Sir, to move the adjournment of the debate; and I do so because the extraordinary course which the hon. and learned Gentleman has thought it fit and becoming in him to pursue, has precluded the possibility of any fair discussion of his Motion, or any fair reply to the charges which he has advanced. Sir, I cannot congratulate the hon. and learned Gentleman on the course he has taken. Perhaps he may be learned in the law; but it is clear that he has a very limited sense of justice. Not even his short experience in this House can for a moment excuse the unjust course he has adopted, or the gross impropriety—[*Cries of* "Oh, oh!"]—the gross impropriety which I believe almost, and I had hoped quite, every man in this House would condemn. The hon. and learned Gentleman at one time when he was interrupted, spoke of the importance of this subject. Very true, the subject is important; but the more important the subject, the more fatal was that admission to the decorum of the course which he has thought proper to take. The hon. and learned Gentleman may have had only a short experience in this House; but he has had long experience in a Court of Justice, and there he must have learned, and he ought to know, that the more important the subject, the more imperatively necessary is it that that subject should be adequately, fairly, and justly discussed. In a speech of more than two hours, he has criminated hon. Members—he has brought heavy charges against the Board of Admiralty, and that at a moment when he knew it was physically impossible that he should have any answer to the accusations he was bringing forward. Sir, I, for one, and I believe many others, were prepared to discuss the question. I begged the Government to appoint a day for its discussion. I said then, and I repeat it now, that as a Member of the late Government I do not shrink from this question. I was prepared, had I been permitted, to contend that the Board of Admiralty, as constituted under the Administration of the Earl of Derby, is entitled to the gratitude, and not to the censure, of this House. ["Oh, oh!"] This, I maintain, I was prepared to contend for, and I would have done so, but for the course which has now been taken, and which I hold to be a greater outrage on the principles of justice than any course that I ever remember to have seen followed. If I had had time, it would have been my duty—and I believe others would have followed me—to take grave exceptions to the Report of the Committee. I am aware that it was presided over by a noble Lord of great ability, and of long experience in this House, and that it consisted of Gentlemen with whose honour and character I should be the last person to find the slightest fault; but I think that that Committee, influenced by what bias or by what circumstances I cannot say, were led to make a report which is open to grave exceptions, the tone of which is bitter and severe—a tone of bitterness and severity which I would have endeavoured to show is not borne out by the evidence. I would have shown that, while they profess to give no opinion, they throw out sarcasms and insinuations which are far more severe, and far more difficult to grapple and to deal with, than any direct accusations would have been; and I am sorry to say that their Report, however unconsciously it may have been on their part, is open to the grave objection of being characterised rather by party prejudice and party bias, than by that judicial impartiality which ought to have been its first and chief characteristic. I shall not attempt to follow the hon. and learned Gentleman through his long two hours' speech about "beer and honey." But had I had time I would have commented upon the manner in which that Report refers to my hon. Friend the Member for North Northamptonshire (Mr. Stafford), and would, I trust, have been able to show to the House—what is of more importance to the public—that the hon. Member for North Northamptonshire is harshly and partially dealt with in that Report. With regard to the Duke of Northumberland also, the First Lord of the Admiralty, say what you will, no one can have read the Report, or listened to the speech of the hon. and learned Gentleman, without feeling that while they profess to attack my hon. Friend the Member for North Northamptonshire, the real object of crimination is the nobleman who presided over the Admiralty. Sir, I had the honour to be a

Colleague of the Duke of Northumberland; he was in office at a time when it was essential to increase and to improve the naval defences of the country; and I am free to say—I know what I am saying—that there never was a human being who was more anxious to benefit that noble service, and to increase its efficiency, than the Duke of Northumberland. There is one point, though it is a minor one, on which I would have felt it my duty to complain of the Report. It is said that the Duke of Northumberland abandoned the whole of the civil patronage of the Board of Admiralty to his Secretary. Sir, it was no such thing. It ought to be known by the public that all the minor appointments through successive Boards of the Admiralty were in the hands of the Secretary, and never were administered by the First Lord. The time forbids me to go on, but I have in this book the means of showing that no First Lord of the Admiralty in recent times ever administered the patronage of the minor appointments in the dockyards; and I would have shown that even in regard to these minor appointments in the dockyards the Duke of Northumberland was influenced throughout by a laudable anxiety that they should be carried out in a manner that would benefit the naval service of the country. Sir, I must allude to one harsh and unjust passage in the Report which refers to the Duke of Northumberland—a passage which, I must say, I heard with regret and astonishment:—

> "One officer, of high standing in the Navy, and supreme at the Admiralty, had power to check these proceedings. An appeal was more than once made to him; he intimated his disapproval, but he declined to interfere. His rank and station in the country, his position in the Government, his connexion with the gallant service of the Navy, were deemed to be securities for the administration of a department confided to the Duke of Northumberland."

I ask the right hon. Baronet opposite, the First Lord of the Admiralty, whether, in his opinion, the administration of that great department really turns upon the appointment of joiners, caulkers, sawyers, and smiths? He will tell you that it does not, but that there are other great subjects connected with the administration of that department which it is more important to consider and determine. How has the Duke of Northumberland administered the patronage which was really his? What was the composition of his Board of Admiralty? Did it show party feeling; did it show political bias? What were his instructions to Admiral Fanshawe? Did they show political bias? Let me appeal again to the composition of the Committee which he appointed to consider the subject of the manning of the Navy. Were they party appointments? Who was the Chairman of that Committee? Sir William Parker. Why was he appointed? Because he was one of the most distinguished officers of the British Navy. He had been a Lord of the Admiralty under the Whig Government, and he differed from the Duke of Northumberland in politics. In addition to Sir William Parker, the Committee was composed of three gentlemen whose politics were entirely opposed to those of the Duke of Northumberland, of one whose politics were similar to his own, and of one who was of no politics at all. Again, the most important portion of the patronage of the First Lord of the Admiralty is the appointment to the commands of vessels. How did the Duke of Northumberland dispose of those appointments? I have here a list of every appointment he made, and if time permitted I could show that, to his honour and the advantage of the service, in the great majority of instances he paid no heed to the politics of the men whom he appointed; but that with regard to those whose politics he did not know, the greater number were of the politics of his opponents, a minority only being of the same political opinions as himself. Two of the very first appointments he made were Captain Hamilton and Captain Locke—officers of great distinction, who were promoted solely for their professional merit, and who were opposed in politics to the Duke of Northumberland. I contend, therefore, that in the exercise of patronage, with regard to which a charge has been brought against the Duke of Northumberland, there never was a First Lord of the Admiralty more free from any imputation of political bias than his Grace; and in saying that, I do not even except the right hon. Gentleman the Member for Portsmouth (Sir F. Baring), to whose conduct while at the head of that department I am ready to do the fullest possible justice. But the services rendered by the Duke of Northumberland to the Navy were not limited to these considerations. Had time permitted, I would have referred the House to the Committee for the manning of the Navy, and to the fact that on the notice paper for this evening the name of the present First Lord of the Admiralty stands at the head of two Bills for the manning and improvement of the Navy. For these two Bills—and I am sure the right hon. Baronet (Sir J. Graham) will not contradict me when I say it—you are indebted to the Committee conceived and appointed by the Duke of Northumberland when First Lord of the Admiralty. I believe no greater service was ever rendered to the Navy by a First Lord of the Admiralty than was rendered by the Duke of Northumberland when he appointed that Committee to consider the subject of manning the Navy. Let it not be forgotten also that the noble Duke drew up with his own hand the instructions for that Committee. I would likewise, had time allowed, have referred to one of the first matters which occupied the attention of the late Government, namely, the state of the fisheries on the coast of North America. That is one subject connected with my own department, with reference to which I could have shown the effective assistance which Her Majesty's Government derived from the vigorous and able administration of the Admiralty at that period under the auspices of the Duke of Northumberland. I will not longer detain the House. It is impossible, at this late hour, to go into the merits of the case, and my object in rising was to protest against the injustice of the course which has been taken by the hon. and learned Gentleman opposite, and to state that had time permitted I could have proved to the satisfaction of the House and the public that the Board of Admiralty, over which the Duke of Northumberland presided, was entitled to the gratitude, rather than to the censure, of the House and the country.

Mr. DISRAELI: Sir, I wish to say one word upon the Amendment which has just been proposed. As far as I can understand, there seems to be very little prospect of this debate being renewed, and I think, therefore, that there could be nothing more unjust or unfair than to allow it to drop as it stands. I trust my right hon. Friend (Sir J. Pakington) will not persevere in his Motion for the adjournment of the debate, but will ask the House to vote at once upon the question. At the same time I acknowledge that we shall go to a division under the greatest disadvantage, the Motion having been urged at considerable length and in great detail, without the possibility of a sufficient reply being made. I have only one observation myself to make upon my late colleague the Duke of Northumberland. The noble Duke has been inferentially charged with a number of very paltry accusations upon this and other occasions. All I can say myself is, that I believe there never was an instance in which more energy, more ability, and more devotion were brought to the administration of a great office, than were brought by the Duke of Northumberland to the administration of the Admiralty under the late Government. Let me remind the House that that nobleman was only ten months in office, that he was hardly absent from a single Board meeting, and that, in that brief space of ten months, he protected your colonies, defended your coasts, and manned your Navy. Allow me to remind the House, also, that these three great operations were conceived and mainly conducted by himself, and that with his own hand he wrote the instructions which guided the Committee for examining the subject of manning the Navy, and which, on being laid on the table, were read with approbation by every Member of this House. Sir, the man who has been actuated by such a high sense of duty, and proved himself capable of performing such deeds, will not be crushed by factious attacks of this kind. I trust my right hon. Friend will withdraw his Amendment, and ask the House to give its decision at once upon the merits of this great question.

Lord SEYMOUR: Sir, the right hon. Baronet who moved this Amendment began by telling us of his great love of justice, and by blaming other Members of this House for not proceeding in a manner consistent with that sense of justice; but he proceeded himself to attack the Report of the Committee, of which I had the honour to be Chairman—a Report carried unanimously by Members belonging to both sides of the House; and in attacking that Report he did not bring forward the exact point upon which he wished to condemn it. Now, Sir, if we are not to have this debate adjourned, I want to know how the right hon. Baronet is to prove his case? He says the Report is unjust and unfair, and he quotes that part of it which refers to the Duke of Northumberland having given up the civil patronage of the Navy. Why, Sir, those were the very words which the Duke of Northumberland himself used to the Committee, and I have yet to learn that it is wrong to quote a witness's own words in evidence of his opinions and practices. I ask the right hon. Baronet if that is the way he proves that the Report is unjust and unfair? He then went on to state other points, with reference to which he said very generally he was prepared to prove that the Report is unjust and unfair; but when I watched with attention to see whether, with regard to any of those points, he would attempt to show that the Report was contradictory to the evidence, I noticed that he never even attempted to adopt that course. Now I want, in justice to this House, to say that when I presented the Report in question to the Committee, I told them that I was anxious, above all things, that every word of the Report should be fully borne out by the evidence. The Committee concurred with me, and we went through the evidence most carefully, comparing it with the Report. The result was, as I said before, that the Report was unanimously adopted by a Committee composed of Members belonging to both sides of the House; and I am prepared to show that it is rather under than overstated. I think it is necessary that this debate should be adjourned, in order that we may go into the whole subject; and therefore I shall vote for the Amendment.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 79; Noes 95: Majority 16.

Question again proposed.

Sir THOMAS ACLAND moved that the House should adjourn.

Mr. LABOUCHERE said, he believed that an adjournment at that moment would be most prejudicial to the interests of the country, and not creditable to the House. Charges of a grave character had been made against the late Board of Admiralty, which, as it appeared to him, it behoved Gentlemen opposite to answer, and against the Committee that had sat upon the subject, which were, he believed, most undeserved. He was anxious, therefore, that the question should not be stifled, and he thought it would be undesirable, after what had occurred, to get rid of it by an adjournment.

Sir BENJAMIN HALL said, that having brought the subject forward on a former occasion, and having moved for a Committee, which the House was pleased unanimously to grant; and having been a Member of that Committee which had presented a Report to the House founded upon the Minutes of Evidence given before them;—he had determined not to take any part in the discussion which might arise upon the present Motion, unless some hon. Member should find fault with the Report of the Committee, in which case, he should feel that he was doing his duty to rise up and defend himself and his colleagues from any attacks that might be made against them. His right hon. Friend the Member for Droitwich had not only referred to the Report in terms condemnatory of its purport, but had actually stated that it was based upon party feeling, and partook of a party character. He (Sir B. Hall) must deny any such allegations. If the right hon. Gentlemen would read the evidence, and compare the Report with that evidence, he would find there were full and ample grounds for every single word contained in the Report, and that even its very phraseology was, in many cases, the phraseology used by the witnesses upon the Committee; whilst in the margin of the Report, figures were placed in order to show the exact questions and answers which justified the statement put forth in the document. But when the right hon. Gentleman said that the Report was the emanation of party feeling or political bias, he seemed wholly ignorant of all the material facts of the case. It was true that having moved for the Committee, that Committee was necessarily nominated by himself (Sir B. Hall); but not until he had expressed a desire that the nomination should not rest with him, but that the selection should be made by the Committee of Selection, or the General Committee of Elections. This was objected to, and the Committee was agreed to by the late Secretary of the Admiralty and himself, as being the fairest selection that could be made, and was unanimously assented to by the House. The five Members composing that Committee represented the various shades of political opinions of the House. They agreed to the Report unanimously, and from the first day they commenced their duties to the very close of their labours, there was not the least difference of opinion in the Committee. The right hon. Gentleman had, therefore, no right to make the assertions he had uttered, because there was not the slightest ground for any such imputations. But how could the right hon. Gentleman justify his own conduct, and what would the public make of such conduct when it was made known? The right hon. Gentleman had moved the adjournment of the debate, in order that the whole question might be fully discussed. Such was the ground of his Motion; and yet as soon as he finds the noble Lord the Chairman of the Committee prepared to defend the Committee from the unjust and ungrounded attacks made upon himself and his colleagues, the mover of the adjournment goes into the opposite lobby and votes against the Motion which he himself deliberately submitted to the House. He (Sir B. Hall) should vote for the adjournment of the debate if the Motion was again put, as it probably would be, and as he had done already; because he desired to have an opportunity of showing that the Report of the Committee was not only just, but that it was founded on the evidence of men of the highest and most unimpeachable character. But he would not vote for the adjournment of the House as proposed by his hon. Friend the Member for North Devon, because he would not be a party to thus shelving a question which was worthy of the fullest investigation, and which in justice to a Committee unanimously approved and appointed by the House, ought to be gone into and considered after the unjust assertions of the right hon. Gentleman the Member for Droitwich.

VISCOUNT PALMERSTON said, he thought that there were two points, at least, on which there could be no difference of opinion. One was, that after the course which the debate had taken, there must be very considerable discussion on the subject; and the other was, that it was impossible that that discussion could take place then [two o'clock in the morning]. He, therefore, thought that the House would do well to adjourn the debate. An appeal had been made to the Government to give a day for this discussion; but it was impossible, owing to the pressure of public business, that that could be done. On Tuesday next, however, the Motion of chief interest appeared to be that of the hon. Member for Cambridgeshire (Mr. E. Ball) upon a question certainly of not very pressing importance—the malt duty. He would, therefore, suggest that the hon. Baronet who had proposed the adjournment should arrange with his hon. Friend to give up Tuesday next to this debate.

MR. DISRAELI said, he could understand very well that the course of the debate had not been so satisfactory as had been expected by hon. Gentlemen opposite. There was great complaint now that the statements made must be answered; but there had been no such complaint on the other side when a statement was made past midnight by the hon. and learned Member for Reading, with the moral conviction upon the part of the hon. and learned Gentleman that no answer could be given to him at that hour; that his manifesto of spitefulness would remain unanswered; and that not a single Member of the late Government would have the opportunity of replying to him. For himself, he should not countenance any attempt to evade the discussion of the main question; and if hon. Gentlemen opposite pleased to sneak out of the position in which they had placed themselves, he could only say that, upon his side, he challenged a decision upon the Resolution which they had proposed.

SIR JOHN SHELLEY said, that the charge of the right hon. Gentleman, which had been conveyed in such elegant expressions, came with an ill grace from him, seeing the line of policy which his friends had adopted. Sneaking indeed! why, the right hon. Gentleman's own colleague, the right hon. Member for Droitwich (Sir J. Pakington), moved that the debate be adjourned, and then voted against his own Motion. That fact alone would show the country which side was anxious to shirk the discussion of this question.

MR. E. BALL said, he must express his surprise at the noble Lord the Member for Tiverton (Viscount Palmerston) saying that the subject of his Motion was unimportant. He must decline to give up the advantage he now possessed, of bringing on that Motion on Tuesday next.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:* — Ayes None; Noes 172.

Question again proposed.

Debate arising; Motion made, and Question put, "That the Debate be now adjourned.

The House *divided:*—Ayes 70; Noes 98: Majority 28.

Question again proposed.

MR. DRUMMOND said, he wished to move as an Amendment, to strike out the latter part of the Resolution, and insert in its stead words to the effect that it appeared that during every administration of the Board of Admiralty, its patronage and influence were used for political purposes; and that the Report of the Chatham Election Committee stated that there was no instance of an election taking place in that borough in which the Government candidate was not returned. That was the whole truth, which had been elicited by late discussions. Government had not been deprived of any patronage, and he, for one, should oppose any proposition for depriving it of any.

Amendment proposed—

"To leave out from the word 'founded' to the end of the Question, in order to add the words 'it appears that, during every administration of the Board of Admiralty, the patronage and influence have been used and exercised for political purposes; and that the Report of the Committee on the Chatham Election states that there is no instance of an Election in that place not terminating in favour of the Government Candidate,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BERNAL OSBORNE said, that, considering the high character and standing of the hon. Member for West Surrey (Mr. Drummond), he should hardly have stooped to be made a bridge for the late Board of Admiralty to escape by. For, since the truth must be spoken, it was not the Duke of Northumberland and the late Secretary for the Admiralty, who were on their trial—it was the character and conduct of that House. They had deputed a Select Committee, composed of Members of both sides of the House, to examine into the truth of certain allegations; they had made their Report; and then the late Secretary for the Colonies (Sir J. Pakington) came down at two o'clock in the morning, deprecated a debate, and moved an adjournment, which he eventually voted against, and took that opportunity of bringing forward egregious charges against the Select Committee. He would not say a word against his predecessor at the Admiralty (Mr. Stafford); he thought he had been ill used by his party; they made use of him, and then, when they found he could not be of any further use to them, they threw him over, and fell down and worshipped the Duke of Northumberland, who they hoped might yet be of service to them. ["Oh, oh!"] At least he believed that would be the opinion of the country to-morrow. The late Chancellor of the Exchequer had used the words "sneaking out." Now, the right hon. Gentleman had on many occasions shown himself a great proficient in that art; but he (Mr. Osborne) would ask him, if he did not wish to sneak from this debate, to use the little influence he might yet exercise with his party to bring this matter to an open discussion. He hoped he would use his influence with the hon. Member for Cambridgeshire (Mr. E. Ball), who, he believed, was still one of his few followers, to give up Tuesday next for this purpose. Let not hon. Gentlemen opposite seek to avoid this discussion by the sneaking Amendment of the hon. Member for West Surrey. By so doing, they would not whitewash the character of the Duke of Northumberland, but would damage that of the House in the eyes of all honourable men.

LORD DUDLEY STUART said, they had got into a difficulty, and he did not see how they were to get out of it, unless they had a full discussion of this very important question, for the country would otherwise not be satisfied. There had been grave charges against the late Board of Admiralty, and against the Committee, and for both reasons it was desirable that they should have discussion. The hon. and learned Member who brought forward the question no doubt commenced it at a late hour. He did so, because of the difficulty of getting a day. There were those in the House who might get them out of the difficulty. It was in the power of the Government, and he hoped out of regard for the character of that House the Government would grant a day. With that view he should move that the debate be adjourned.

VISCOUNT PALMERSTON said, that, for his own part, he regretted that the question had ever been brought forward, as he thought it might have rested with the Report of the Select Committee. As, however, it had been brought forward, he would ask hon. Gentlemen opposite if it was not essential for the character of that House, and of the party they represented, to work this debate out fairly and deliberately. It was evident that their object was to weary out the House, and insist on having a division, which it was evident, if taken at that late hour in the morning, and when it had been universally expected that a division would not take place, could settle nothing. If the division was against the Motion, as was probable in the then state of the House, there would be nothing to prevent those who supported it from bringing it forward in another form. He would, therefore, put it to hon. Gentlemen opposite to agree to the very reasonable proposition of the right hon. Baronet opposite (Sir J. Pakington), that the debate should be adjourned. It had been put to the Government to find a day for the discussion; but his noble Friend (Lord John Russell) had stated to him, before leaving the House, that this was impossible in the present state of public business. He would make another appeal to the hon. Member for Cambridgeshire (Mr. E. Ball) to give up next Tuesday for the purpose. In all probability there would yet be many Tuesdays open to him to bring forward his Motion. At all events, let the debate be adjourned to any day they pleased, and some arrangement might be afterwards made for taking it.

Sir JOHN PAKINGTON said, he thought that the course which the Government had indicated was the best that could be pursued. Let a division be taken, and then let those who brought it on renew it in a different form, if they were defeated. It was true he had moved the adjournment of the debate: but his friends felt that that would not be a satisfactory solution of the difficulty in which they were placed, of either concluding a debate without the possibility of discussing the question, or of consenting to an adjournment to which they saw no period. The request which he made in the early part of the debate, that the Government would name a day, was refused; and in the difficulties in which they were placed, the party with whom he acted thought it would be very undesirable to adjourn the discussion to an indefinite period. He had wished to withdraw his Amendment, but it was refused, and under the unusual circumstances he felt bound to vote against it.

Mr. E. BALL said, he wished to give another reason why the House should accede to the suggestion of dividing at once on the main question. The present Secretary of the Admiralty entirely exonerated his predecessor in office, and said it was desired to screen his superior by throwing the odium upon him. He asked hon. Gentlemen, could there be a more severe reprobation and condemnation of the Report of the Committee? The Report pointed to no one so much, so strongly, or so bitterly, as the predecessor of the present Secretary of the Admiralty.

Mr. PIGOTT said, another division would leave them just in the same position; he therefore hoped the hon. Member for Cambridgeshire would give way. There was no Motion for Tuesday week; and if the hon. Member for Cambridgeshire would take his Motion on that day, this might be taken on Tuesday.

Mr. HILDYARD said, he had earnestly urged upon his hon. and learned Friend (Mr. Keating), at half-past ten, to postpone a question of this gravity, since it could not be decently or decorously discussed.

He had thought proper to persevere, and it would be a very salutary lesson to take the division now, and leave the hon. and learned Gentleman to revive the question on another occasion.

Mr. CUMMING BRUCE said, a great deal of blame, also, attached to Her Majesty's Government for not using any effort to bring home to the hon. and learned Gentleman the unfairness, injustice, and impropriety of bringing forward his Motion at the late hour he did. He hoped the hon. Member for Cambridgeshire would not give way, and that the suggestion of dividing on the main question would be adopted.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 64; Noes 98: Majority 34.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. PIGOTT said, he must deprecate at that late hour a division on the main question. He should still press for an adjournment of the debate.

Sir WILLIAM JOLLIFFE said, that the House ought, in common justice, to be allowed to come to a decision on the question, which had occupied so much of their time. At least the debate ought to be renewed at some time when they could come to a decision upon it.

Mr. CRAVEN BERKELEY said, he believed that the hon. Member was not in order in moving as an Amendment that the debate be now adjourned; and he, therefore, begged to move, as an Amendment, that the other Orders of the Day be now read.

Viscount PALMERSTON said, he would suggest that the hon. Gentleman might agree to adjourn the debate to this day.

Mr. DISRAELI said, he was extremely anxious that the House should take such a course as would be satisfactory to all parties. He agreed with the hon. Member for Whitehaven (Mr. Hildyard), and thought that the hon. and learned Member for Reading (Mr. Keating) should not have pressed his Motion at the time he did, but have brought it on at a more favourable time. If, however, any Motion were now made for the adjournment of the House, he should be ready to acquiesce in it, regarding it as equivalent to a negative on the Motion.

Mr. HENRY KEATING said, it was certainly true that the hon. Member for Whitehaven had suggested to him not to bring on his Motion after ten o'clock; but the lateness of the hour at which he had brought it forward was occasioned by hon. Members opposite, who had evidently been speaking against time.

LORD JOHN MANNERS said, he felt bound to say, after that observation of the hon. Member, that the speeches which occupied so much time on the Factory Bill proceeded from the hon. and right hon. Gentlemen on his own side of the House; and he had yet to learn that one of the most important subjects, affecting the condition of the great mass of the working people of this country, was an unfit subject for discussion.

VISCOUNT GALWAY said, he would now move the adjournment of the House.

Motion made, and Question put, "That the House do now adjourn."

The House *divided :*—Ayes 100; Noes 59: Majority 41.

House adjourned at a quarter before Four o'clock.

HOUSE OF COMMONS,

Wednesday, July 6, 1853.

MINUTES.] PUBLIC BILL. — 1° Factories.

EXPENSES OF ELECTIONS BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COLONEL SIBTHORP said, he always had opposed Bills of this description, and he always would, as he considered them Bills of pains and penalties. He did not wish to say anything offensive to any hon. Member, but he did not think he was using too strong expressions, when he said it was a mean, dirty, shabby, disgraceful Bill. It was a Bill to degrade both the candidate and electors. He had had twenty-five years' experience in that House, and he did not think the Members were so good as they used to be. What they might turn out, time only would show; but he thought it was impossible for them to get worse. By this Bill, a candidate might come down to a constituency—say to the city of Lincoln —and make the constituency the finest professions in the world; but fair words, they all knew, buttered no parsnips; but, as to giving them even a glass of brandy and water, he would cloke himself under this Bill, when, perhaps, the real fact was, that he had not a shilling in his pocket. Then, they were told, there were to be no flags at the hustings, and no band, and no ringing of bells. He wondered if the town crier was to be prohibited from using his bell to cry a sale of fish, or whether they meant to stop the dinner bell. He was told that this Bill was brought in by two Members, one of whom was a Liberal, and one a Conservative; but he did not like it the better on that account. It was stated that this Bill was intended to save expenses; but, for his part, he would enact that no man should be allowed to sit in the House who did not pay his election bills, or who did not treat the electors, whose favour he courted, with the common feelings of humanity. Why, such a state of things would be contemptible to the British House of Parliament and the country. He protested against being prohibited in treating his constituents with that hospitality which they deserved; and any man who was mean enough to shrink from the exercise of such hospitality, did not deserve a seat in that House, or in any Christian assembly. He had exercised (he thanked God) those hospitalities, and, in the face of the British House of Commons, he declared his intention, as long as he lived, to continue those hospitalities, in spite of their fanciful fears of bribery or corruption. He would be ever willing to lend a helping hand to a fellow-creature, even at the risk of being turned out of that House; and if it did so happen that he was turned ont for this practice, he would consider such a proceeding an honour rather than a disgrace. He protested against such trash and trumpery as this Bill was composed of—such a gross violation of the common feelings of humanity towards their fellow-creatures. It was his intention to oppose this measure in every stage; he should now move that Mr. Speaker do not leave the Chair until this day three months [*Laughter*]. He did not mean to impose any long severe duty upon Mr. Speaker, and would amend his proposition, that the Bill be committed this day three months.

MR. BARROW seconded the Amendment. He never saw so absurd a piece of legislation. Was he to be liable to penalties if any person held a flag out of a window ? The imprudence of an accidental voter, over whom he had no control, might deprive him of the great civil right of sitting in that House as the choice of free and independent electors, and all because some Gentlemen wished to button their pockets closer than they did now. The

House had to consider whether they would disfranchise not only the Member but the constituencies, who might be deprived of a Member whom they wished to represent them, by the imprudent act of any person not an authorised agent of the candidate.

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee,"—instead thereof.

MR. MULLINGS said, he thought that this measure would prevent much mischief, and do much good, and he regretted that the objections of the hon. Members who had moved and seconded the Amendment had not been made on the second reading of the Bill. It was a well-known fact that a system of great disorder and treating was carried on at elections, by means of different bands going about in support of the different candidates, and meeting at the different public-houses. He believed that there was nothing which occasioned more bribery than the employment of flags and bands of music. It was true the persons so employed were not voters, but then they were all the connexions of voters, and they afforded the pretext for running up large bills at public-houses, where voters were treated ostensibly by these parties. At the last election for Cirencester he determined to employ neither flags nor bands, and he sent a letter announcing his intention to the candidates on the other side. He expected they would have followed his example; but on the day of the nomination two or three bands entered the town, and paraded the streets, in the interest of the popular candidates; while seventeen or eighteen flags and banners were waved in the faces of all who were on the opposite side. The bill for one of these bands amounted to 28*l.* For himself, he had not paid a shilling, except upon the legitimate expenses of the election, which amounted in all to 95*l.* 14*s.* The returning officer called upon him to name twenty special constables, but he refused to do so, thinking it was the duty of the returning officer to keep the peace of the town. The consequence was, that while the other candidates named their special constables, the returning officer named twenty for him, and those twenty obstructed his voters more than all the rest of the people. There was an item of 25*l.* charged against him for the hustings, and another item for refreshment for the police. The total amount of this bill was 104*l.* 15*s.* In a second bill he was charged for the expenses of the returning officer; for the steward, and bailiff, for stationery, poll-books, &c., amounting in the whole to 73*l.* 1*s.* 11*d.* In a third bill he was charged for the indenture of return, for the return of the precept, and for the sheriff's fees, &c., amounting altogether to 220*l.* Now, he resisted the payment for the special constables, and the result was that his wife and children could not walk the streets with perfect safety, as the police were unwilling to protect them. Indeed, in consequence of those proceedings, he was determined to retire from the town to a place some miles distant. If this system were persevered in, he would certainly make his bow to the electors altogether, and retire from public life. He had modelled his Bill from the Irish Statutes, where the provisions of his Bill were for some years the law of that country. He therefore hoped that they would be permitted to go into Committee.

MR. EVELYN DENISON said, he concurred with the hon. Member for Cirencester in the desire—in which the House had shown by its proceedings that it participated—to put down bribery and intimidation. But that House ought so to legislate as to carry with it public opinion. He invited consideration to the Bill as it stood, and to the *animus* in which it had been drawn up. The hon. Gentleman would be himself the first to confess that it had been drawn up under feelings of rather a peculiar nature. It was, indeed, drawn up in a spirit of great exaggeration. Of two parties, one might adopt an oak leaf, the other a laurel leaf, as symbols of distinction; but if a candidate "knowingly allowed to be borne any banners, flags, symbols," or if he passed them by without making any objection, he would lose his seat by the Bill, and could not be returned for the same borough during the existing Parliament. Those exaggerations did a great deal of harm, prevented the accomplishment of the object which it was desired to promote, and turned the feelings of the people against the legislation of that House. By attempting to enforce such rules, restrictions, and limitations as those to which he had alluded, the House would turn public feeling against them; and, holding such opinions, he should vote against going into Committee on the Bill.

MR. ELLIOT said, he thought the wording of the first clause was extremely objectionable. According to the third clause, if a drunken or stupid elector, coming in from the country to vote, was met by a man who placed a riband in his button-hole, that voter was liable to the penalty of 10*l.*, which might be recoverable from him by the very man who had induced him to wear the riband, or by any other person. Surely this was a most monstrous provision. Further, he (Mr. Elliot) could not for his part see upon what principle of the liberty of the subject a man should be prevented from playing a fiddle, or a flute, or any other instrument he pleased, in the street on the day of election the same as any other day, provided he was not paid or employed by any other person so to do. Upon these grounds, then, if such a provision were to form part of this Bill at all, he should propose that, instead of 10*l.*, the penalty should be altered to 10*s.*, and that the amount should be applied to the benefit of the poor. Should that alteration not be adopted, he would vote with the hon. and gallant Member for Lincoln (Colonel Sibthorp) against Mr. Speaker leaving the chair.

Mr. GREENE said, that the observations they had just been listening to were more fitted for consideration in Committee than now, and that the most advisable course would be to reserve them until they came to discuss the details of the Bill.

Mr. H. BERKELEY said, he concurred in the opinion expressed by the hon. Member (Mr. Greene.) As regarded the principle of the Bill, however, he thought the hon. Member for Cirencester (Mr. Mullings) was entitled to much credit for having brought forward a measure which existing practices rendered so necessary. The hon. Gentleman had been charged with making exaggerated statements to the House; but he (Mr. Berkeley) could bear his testimony, and so could many other hon. Members, to the fact that his statements were under rather than over the mark. He himself represented a large constituency, and the scenes of violence which occurred between the two rival parties at elections there, with their display of party emblems, and their bands of music, were perfectly disgraceful to a civilised community. The Bill might not be complete in all its details; that, however, might be remedied in Committee; but to the principle of the measure he could not believe that any hon. Member would offer an objection.

Mr. MICHELL complained of the Bill as being imperfect, on account of its not containing a clause against the hiring of mobs for the intimidation of electors.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 89; Noes 10: Majority 79.

Main Question put, and *agreed to.*

House in Committee.

Clause 1.

Mr. BARROW said, he had as great and wholesome a horror of bribery and corruption as any Member in that House; and in the opposition he was about to offer to many of the provisions of the Bill, he was not prompted by any anxiety for his own seat, but rather by the desire to enable the constituencies of the country to be represented in the House of Commons by the men whom they wished to honour with their confidence. But he must contend, that the punishment provided by this clause—namely, disqualification for a seat in that House, was a criminal punishment; and he denied that any man ought to be so punished until the criminal act had been proved to be committed by his order and direction. What he now proposed to do, therefore, was to omit certain words from the clause, for the purpose of limiting the responsibility of the candidate to the acts which were done by himself. The words which he proposed should be omitted, were—"by himself or by his agent, or by or with any person, in any manner directly or indirectly."

Mr. MULLINGS said, he must object to the omission. They were taken from the Bribery Act.

Mr. HENLEY said, he was of opinion that the acts referred to on the clause ought to be shown to have been committed by the direct authority of the candidate, and that it was not right to subject him to penalties of such a severe nature for the unauthorised act of a too zealous partisan.

Mr. VERNON SMITH said, he did not understand why the words "agents directly or indirectly" should be struck out, but he was in favour of the omission of the other words.

Mr. BARROW said, he must repeat that the objection which he entertained to the clause was the criminal punishment—for criminal he maintained it was, which could be inflicted by it. It was not right that any man should be subjected to such a punishment for the act of an agent, without proof that it was committed by the order and authority of the principal; and he entertained a stronger objection when he considered the loose manner in which agency was sometimes established.

Colonel SIBTHORP said, he had so strong an objection to the measure altogether, that no Amendment could in the least reconcile him to it. The words proposed to be left out might be the words employed in the Bribery Act, but the clause would not the less infringe upon the rights and liberties of the people. His maxim was, let every man do what he liked with his own. If other people did not like to spend their money, it was nothing to him; but he objected to be interfered with in spending his. "Let the galled jade wince, his withers were unwrung."

Mr. MASTERS SMITH said, he believed the Bill would be entirely inoperative. If a measure were passed upon the subject, let it at all events be one of a good and efficient character—not such a one as this, to which he must say he was surprised to see attached the name of a Gentleman remarkable for his business habits and intelligence. If the Committee divided, he should certainly vote for the Amendment.

Mr. EVELYN DENISON said, he did not think the Bill would accomplish the object its promoters had in view; but he deprecated the discussion of the principle of the measure upon this clause.

Amendment *negatived.*

Lord SEYMOUR said, that as the clause was at present worded, if any gentleman accepted an invitation to a dinner in the borough for which it was intended that at some future time he should come forward as a candidate, the fact of his having done so might hereafter be brought against him, and disqualify him from sitting in that House.

Mr. EVELYN DENISON said, he would suggest that the clause should define some period—say a certain number of days before the election took place.

Colonel SIBTHORP said, that music was very often played, and bells rung too, at elections, and no harm done. But because that model of purity, the city of Bristol, got into scrapes, he did not see why other boroughs and cities should be visited with the consequences.

Sir FRANCIS BARING said, he would be glad to know how far the prohibition against bellringing was to extend? As he read it, if he happened to go down to see his constituents at any time, and they rang the bells, as they were apt to do, that very circumstance might deprive him of his seat in that House.

Colonel SIBTHORP: Ringing parish bells! Well, I believe parish bells do often ring, and I hope will long continue to ring. The ringing of bells can do no harm. On the contrary, I think it is rather cheering in every sense of the word. Respect is shown to the candidate or representative. The ringers are paid for their trouble, and they have a chance of enjoying themselves in a manner which but for that they would not have had.

Mr. R. PHILLIMORE: It was competent to the clergyman at any time to refuse the use of the parish bells; and, in spite of what the hon. and gallant Colonel said, he thought that in any borough where a fierce party spirit prevailed, the clergyman would be exercising a wise discretion if he refused to allow the bells to be rung on either side.

Mr. GREENE said he must contend that the clergyman ought to be relieved from the responsibility of preventing the ringing of bells. Parties might break open the belfry, and ring against his wish. Indeed, he understood this had been the case at some contested elections.

Viscount GODERICH said, he would mention that in one instance which had come under his notice, where the clergyman had refused permission for the bells to be rung, the ringers had struck and refused to ring on the following Sunday.

Mr. BARROW said, he considered the penalties inflicted by the measure far too severe. It was hard that a constituency should on account of a slight indiscretion be prevented from returning to Parliament the man of their own free choice.

Viscount DRUMLANRIG considered that the loss of his seat was the only proper penalty which could be imposed on a candidate placing himself within the operation of the measure.

Mr. HENLEY said, he thought that legislation in this direction had been satisfactory in its results. It had been the practice to distribute ribands at elections, but that had now been done away with. ["Oh, oh!"] Well, according to his experience, the practice had ceased.

Mr. PHINN said, he did not consider it fair to subject a candidate for a trifling imprudence to the same penalties as for bribery and corruption.

Mr. HENLEY was of opinion that the loss of a seat would not be too severe a penalty, but he did not think it ought to these minor questions, which he was sure did not touch him at all, he would go to the merits of this question. This question, as he ventured to say the other night (when he was subjected to these animadversions), was one of the deepest interest to Ireland, and especially to the northern and north-western districts of that country. In every instance, from 1800 to the present day, when attempts similar to the present had been made to increase the spirit duties, the evils had been found to be so great and awful that it had always been deemed politic to recede from such intentions. Whenever the spirit duties had been increased, the revenue had not been increased in proportion; but, on the other hand, illicit distillation had received an impulse, and demoralisation had spread among the lower classes. It was almost impossible to carry out the law of the land where illicit distillation prevailed to a great extent. If an additional duty could be made to accrue to the revenue without an enormous increase of illicit distillation, the present measure would be a boon to the country; but he predicted that the consumption of spirits would not be checked, and that illicit spirits, so far from becoming dearer, would be had for absolutely nothing. [*Laughter.*] Yes, he maintained that that would be the result. The right hon. Gentleman had admitted the whole case against this Bill, when he said that it would be necessary to employ the civil police in the odious duties of still-hunting and informing. This measure he believed to be impolitic in principle, and he feared would be most injurious in practice; he begged, therefore, to meet the present Motion with a direct negative.

MR. MACARTNEY said, he wished to know whether the right hon. Gentleman the Chancellor of the Exchequer adhered to his determination of employing the police in carrying out the provisions of this Bill? The law as it stood at present prevented the use of the police in levying the Customs and Excise Duties.

The CHANCELLOR OF THE EXCHEQUER said, that the Government had certainly not changed their intention of making use of the services of the constabulary in the collection of the revenue; but as he had stated on a former evening, the Government did not require to be reminded of the other services which that body had to perform in Ireland, and with which their new duties would not be allowed in any degree to interfere. They would only be made available so far as might be found compatible with the due discharge of their other functions. It was not certain whether it would be necessary to propose any change in the law for the purpose of effecting the desired object, for the provision quoted on a former evening only prohibited the action of the constabulary in reference to the collection of revenue under the authority of justices of the peace; but at that moment he was not in a condition to say whether the law would permit everything to be done which the Government might think it desirable to have done by the constabulary. He might mention that there was no intention of employing the constabulary in performing that which was the primary duty of the Excise officers—namely, still-hunting; but there were many other useful services, such as escorting prisoners to the county gaol, or stopping illicit spirits *in transitu*, in which they might be engaged, and which would be performed by them more economically and with greater facility than by the revenue police.

MR. M'CANN said, he would rather see the police directly and openly engaged in still-hunting, than employed privately to assist others. He hoped the Government would not destroy that admirable body of police, which they certainly would, if they employed them in the manner proposed.

LORD CLAUD HAMILTON said, that if increased duties were to be thrown on the police force, their number must be increased, else their efficiency would be impaired; and if the number were increased, half of the additional expense must, according to law, be thrown on the county in which that increase took place. Would the right hon. Gentleman the Chancellor of the Exchequer introduce a proviso in his Bill, or in any other measure concurrent with it, to secure the counties from being saddled with any excess of expense which might be occasioned by the additional duty imposed upon the police? It was certainly quite a new thing to employ officers out of the county cess.

Question put.

The House *divided*:—Ayes 121; Noes 41: Majority 80.

RECOVERY OF PERSONAL LIBERTY BILL —ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming adjourned Debate on Question [22nd June], "That the words 'it be referred to a Select Committee to consider whether any and what regulations are necessary for the better protection of the Inmates of Establishments of a conroughs old tattered flags were preserved like household gods, and exhibited on election and other occasions, and he thought it was really going too far to prohibit such innocent manifestations. Even women and children would sometimes hang out a flag during an election, and surely it would be absurd to talk of subjecting such persons to a penalty of 10*l.*

Mr. MILES said, he thought the prohibition should be retained, for it was well known that persons paraded banners at elections without the consent of a candidate, trusting to the chance of being paid in the end.

Sir GEORGE GREY said, he believed it would be impossible to carry this clause into effect. It was usual after an election to have a dinner, and on such occasions the room was generally ornamented with flags; but by the clause this mode of decoration would be prevented. Then, how could they expect to recover penalties for hanging an old flag—it might be a pocket handkerchief—out of a window?

Mr. HENLEY said, the exhibition of music and banners in the streets frequently led to riots, and therefore it ought to be suppressed; but perhaps his hon. Friend would confine the prohibition to the bearing of flags in the highway, or in public places.

Mr. MULLINGS would insert the words "in any street or highway, or exhibited from any inn, public-house, alehouse, or beerhouse." This would obviate the objection which had been raised, and would, he considered, entirely meet the right hon. Gentleman's object.

Sir GEORGE PECHELL said, that at Brighton the popular candidate was sure to have his flag at the masthead of all the vessels. How would they deal with that case?

Mr. BARROW said, the penalty proposed by this clause was enormous, looking at the class of persons to whom it would apply. He was surprised to hear such anxiety on any side of the House to put down every demonstration of popular feeling.

Colonel SIBTHORP said, he must again denounce the Bill as a "dirty, shabby measure," which ought not to be entertained by that House.

Mr. HUME said, the first thing to look to was to preserve order, and prevent bribery and treating; and all the provisions of the Bill had that object.

Mr. WILSON PATTEN thought the penalty of 10*l.* wholly unreasonable. He moved, as an Amendment, to substitute the words "ten shillings."

Mr. PHINN would make the penalty "not exceeding 40*s.*," to be recovered before any two justices of the peace.

Mr. MULLINGS consented to adopt the latter Amendment, which was inserted in the clause.

Clause, as amended, *agreed to;* as was Clause 4.

Clause 5.

Mr. HUME contended that no expense whatever ought to fall on candidates; the whole ought to be borne by the community sending him to Parliament. At a future stage of the Bill he should move clauses to that effect. The expenses he referred to would include the fees of sheriffs and other officers. He would therefore suggest the postponement of this clause, which went to legalise some of these expenses.

Mr. ELLIOT said, it was a common case for sham candidates to be put in nomination, and to proceed no further. If their liability for expenses were removed, there would be a poll in every case, at the expense of the county or borough.

Mr. HUME said, the hon. Gentleman seemed to suppose that nobody but rich men were to be candidates at elections.

Mr. PHINN said, he quite approved of the suggestion of the hon. Member for Montrose (Mr. Hume), and thought a more extended clause necessary. To meet the objection of the hon. Member for Roxburghshire (Mr. Elliot), it might be provided that only those who were returned should be exempt from the expenses.

Mr. BECKETT DENISON said, it was certain that, if this provision were introduced, there would be a contest at every election; in many places there would be as many as ten candidates.

Mr. MULLINGS said, he had had a bill submitted to him for 220*l.* for expenses connected with his return; but, knowing what were the legal charges, he taxed the bill accordingly, and only paid a small portion of it.

Sir GEORGE GREY thought the clause required more consideration. It was essential that some legal provision should be made to check these exorbitant expenses; and if returning officers could legally make no charge at all, it was unwise to legalise such charges, as was done by this clause. He would suggest that the clause should be omitted.

Colonel SIBTHORP said, he should never cease to complain of the false economy and the "gagging" mode of proceeding of this measure. It would encourage a parcel of fellows, with scarcely a shirt to their back, in going down to boroughs and trying to force themselves into Parliament solely by their fine speeches. He would oppose the Bill in every stage; it was trash, trumpery, and humbug.

Clause *struck out.*

Clause 6.

MR. PHINN said, he thought this clause ought to follow the fate of the preceding one. The sheriff was charged with the peace of the county, and if he incurred any expense he might charge it on the Exchequer. This clause would give people the notion that the charge was a legal one, and under it a great number of persons might be unnecessarily employed by an adverse sheriff.

MR. HENLEY said, he objected to the clause, for he did not see how any specific sum could be fixed upon for the payment of special constables, who might be engaged in some places at *3s. 6d.* per day, whilst in others it would be impossible to obtain them for less than *5s.* or *7s.*

MR. MULLINGS said, he did not think special constables were appointed generally with the view of keeping the peace. He considered the employment rather as an indirect way of bribing the voters.

SIR GEORGE GREY said, he also objected to the clause, which would tend to legalise the charge to the extent of *3s. 6d.* per day. The real remedy would be to provide that no candidate should pay any portion of the charge.

MR. BARROW said, the effect of the clause would be to enable the sheriff to employ any number of men, provided the payment of each did not exceed *3s. 6d.* per day. The clause, in his opinion, ought to be omitted.

MR. CRAVEN BERKELEY said, he must say that right hon. and hon. Members on the Ministerial side of the House were doing all in their power to uphold the present state of things, while they expressed anxiety to provide a remedy.

Clause *struck out.*

House resumed; Bill *reported;* as amended, to be considered on *Tuesday* next.

PROBATES OF WILLS AND GRANTS OF ADMINISTRATION BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. R. PHILLIMORE said, he trusted, after the statement made last night by the hon. and learned Attorney General, that the hon. Member (Mr. Hadfield) would not proceed with this Bill, which would have the effect of multiplying the evils which he was desirous to prevent. That was the opinion of every lawyer who had looked at its provisions.

MR. HUME said, the object of the Bill was, that one probate only should be necessary for the whole kingdom. When the Bill was read a second time, the hon. and learned Solicitor General made one of the best speeches ever made on the subject, and said he had a Bill ready. It had not been brought in, and they ought to know what the impediment was. Every year since he had been in that House, promises had been made that the Ecclesiastical Courts should be reformed, but they had not been reformed yet. If they could not get the whole they wanted, let them have part.

MR. HADFIELD said, he should be glad to be relieved from the responsibility of going on with this Bill, if other persons more competent than himself would take charge of it. The measure had received the sanction of the right hon. and learned Lord Advocate, and the hon. and learned Member for Enniskillen (Mr. Whiteside). It had also been approved of by the hon. and learned Member for Wallingford (Mr. Malins). Not seeing any Member of the Government present, he begged to ask the right hon. Gentleman opposite (Mr. Henley) what prospect there was of the Commission now sitting recommending any measure of this description?

MR. HENLEY said, that having been appealed to by the hon. Member for Sheffield, he must say that he thought if this Bill became law, it would make the confusion so intolerable that the whole country would cry out against it. The provision with respect to grants of administration was full of faults, and would aggravate the evils of the present system. The hon. Member for Montrose (Mr. Hume) was aware that the subject had occupied the attention of the Legislature more or less in the course of the last twenty-five years, and that Bills more extensive than the present had been introduced at various times by some of the first men in Parliament on the subject. None of these Bills, however, had been passed, owing to the defects in them having given good grounds for their rejection. The late Government had appointed a Commission, or, he should say rather, had extended the powers of a previous Commission, in order that the question might be inquired into. That Commission, which numbered seven Judges among its members, had been continuously occupied with the subject; but he could not say what might be their ultimate opinions with regard to it. The hon. and learned Solicitor General had not long ago announced that he had a measure prepared on the subject; but that hon. and learned Gentleman was not now present to answer for himself. His own opinion was that the present Bill would create a great deal of confusion, and he would recommend the hon. Member not to proceed with it, more especially as the subject would be taken up next Session, at all events, either by the Commissioners or the Government.

Mr. CROSSLEY said, that as no Member of the Government was present, he would move that the debate be postponed to next Wednesday.

Debate *adjourned* till *Wednesday* next.

SIMONY LAW AMENDMENT BILL.

Order for Second Reading read.

Mr. R. PHILLIMORE, in moving the Second Reading of this Bill, said, that the object of it was to amend the law respecting simony, and to render illegal the sale of the next presentation to any ecclesiastical benefice. The evil which he hoped to be the instrument of diminishing, was one of the very gravest character. He wished to prevent a trust of a most serious and important character—no less a trust than the cure of immortal souls—from being made, as it at present so often was made, a matter of barter, of merchandise, and of commercial speculation. The evil to which he alluded was generally stigmatised by the name of "simony." It was one of those tares which the enemy sowed early in the Church, and which grew up in its present form soon after the Church became endowed. The great question was how the difficulty was to be met, and how the evil was to be remedied. The remedy had been supplied partly by the ecclesiastical and partly by the common law. By the ecclesiastical law the sale of any spiritual benefice or dignity was wholly and entirely void, and in this country the evil had been left entirely to be repressed by ecclesiastical censures until the time of the Reformation. The earliest Acts of Edward VI. and of Elizabeth were passed for the purpose of strengthening by temporal laws those ecclesiastical provisions which had been found insufficient to restrain the avarice of the lay patrons. Nothing could be more decided than the language in which this evil was denounced in the Proclamations of the Crown, in which it was described as "that sin and simony which is execrable in the eyes of God." The same expression was to be found in the 14th canon of James I.; and the 31st of Elizabeth—the first Statute passed on the subject, and the only one which affected the laity—denounced in the strongest terms the evils which to this day still remained to a certain extent practically unredressed. It was not indeed merely by Statute law that the evil of appointing an inefficient and disqualified clerk was attempted to be remedied, because a certain amount of check was ensured by the authority possessed by the bishop, of refusing the presentee; but, after all, the bishop could only refuse to admit for those reasons for which he might subsequently deprive. The next Statute which was passed on this matter was one, the provisions of which he proposed to extend to the laity of this kingdom, the 12th *Anne*, c. 12, by which, on account of the increase of the practice of simoniacally obtaining livings, the clergy were prevented, directly or indirectly, from procuring themselves to be appointed to any ecclesiastical benefice whatever. Why that statute was confined to the clergy of this country it was difficult to say; but such had been the construction put upon it. The recent Act of 3 & 4 *Vict.*, c. 13, took away from any clergyman the power of disposing of the benefice which he held, not in his private but in his politic or public capacity; and by a section of that Act the option of the Archbishop was also taken away. The present Archbishop was the first who had been deprived of the archiepiscopal options. The true principle was, that the power of presenting was a spiritual trust in essence, and the right of property in the presentor was subordinate and accidental. It was sufficient to say that he looked at this matter in the light in which it was regarded by Lord Mansfield, who said it was on the ground of public morals and public utility that the common law as well as the civil law forbad the simoniacal contract. The Act of Elizabeth was unquestionably intended to prevent presentations made for any corrupt consideration whatever; nevertheless the construction which a series of judicial decisions had put upon it was this, that though you might not present when the living was actually vacant—because, said the common law, that would be gross simony, and an injury to public piety and morals—yet when the church was occupied, even though the incumbent might then be *in articulo mortis*, then forsooth, you could sell the next presentation, and the sale was perfectly good, and the Court of Queen's Bench would compel the bishop to institute. The House would remember the remarkable case of "Fox *v.* the Bishop of Chester," which reduced to an absurdity the doctrine of simony as expounded by the common law. The patron of the living in that case, while the incumbent was actually on his deathbed, conveyed away the next right of presentation to another person; but the Bishop refused to institute the presentee to the living; "for," said he, "it was a grossly simoniacal proceeding." What was the consequence? A *quare impedit* was brought in the Queen's Bench, the facts were stated, and Lord Tenterden, one of the greatest Judges who ever adorned the Bench, said, the sale was, no doubt, an evasion of the law of Elizabeth; that he would never countenance such an abuse; and he upheld the Bishop in refusing the presentee. The case was taken by appeal to the House of Lords, in 1829, and Lord Chief Justice Best, speaking in the name of all the Judges, reversed the sentence of Lord Tenterden, because he said it was impossible to say that the person might not have recovered, and impracticable to define what amount of illness was to be considered as necessarily fatal. The Judges on that occasion, through the Lord Chief Justice, expressed themselves in this language, on which he (Mr. Phillimore) was content to rest the justice and propriety of this Bill:—

> "It may be wise (said they) to carry the restraint on this species of property further, and to say the next avoidance shall in no case be sold, for undoubted simony is indirectly committed by the sale of the next presentation."

Lord Chancellor Eldon also upheld the judgment given by the House, because he said, many presentations had been sold under the belief that the law was what it had been decided to be; the Judges had no power to make new laws, and he should prefer a new Act of Parliament to the arbitrary extension by the Judges of the law as it stood. Now, four things followed from that opinion of the Judges stated by Lord Chief Justice Best:—1. That there was a great evil under the existing state of things; 2. that simony was practised under the sale of next presentations; 3. that a remedy was required; and, 4. that the remedy pointed out was the one he (Mr. Phillimore) had now the honour to submit to the House. The injury and the scandal which the practices prevailing under the present law brought upon the Church, and the triumph which they gave to its adversaries, were familiar to every man who had turned his attention to the subject. No one could take up a newspaper without being shocked and scandalised at seeing the number of sales of next presentations, and still more at the style and manner in which they were advertised. He held in his hand a list of advertisements of the sale of the next presentation to benefices, which he would not weary the House by reading: suffice it to say that in no one of them was there to be found the slightest intimation of any condition that the patron, who was to have by purchase the power of presentation, should present a person to administer the cure of souls possessed of any of those qualifications by which every pious individual would wish to see him characterised. Those who advocated the separation of Church and State, and those who cared little or nothing about any Church whatever, found the strongest arguments for their opinions in the scandalous frequency of this disgraceful traffic. Let the House observe how the cure of souls was sometimes described. In one of the advertisements to which he had referred, he found the recommendations of the living set forth in these words—"duties single"—that was, there was only a single service—"house comfortable, or may be made so; a trout stream would be of great advantage." He might go on reading advertisement after advertisement; but it would only prove to the House, *usque ad nauseam*, that anything and everything was considered in that shameless traffic but the fitness of the future presentee to discharge the sacred duties of a minister of the Gospel. "Oh, but," it was said, you are going to touch the rights of property." Did they think of the rights of property when the Act of Anne was passed by which they deprived clergymen of the power of buying or selling or taking the next presentation; or when they passed the 3 & 4 *Vict.*, and prevented the highest Prelate in the kingdom from exercising a power which, from time immemorial, had been annexed to his see? In the case of Archbishop Herring, an ecclesiastical option had been actually put up by his executors at Garraway's coffee-house, and sold by public auction as part of the chattels of the deceased prelate. That was, indeed, an exercise of the rights of property, but a total disregard of the sacred purposes for which the livings were created. The sale of the judicial office was guarded against in this country with the most jealous care. Why, he would ask, was there to be such laxity with regard to the sale of the spiritual office—in itself of a judicial character—surely not of less importance, not less meriting to be invested with the most entire respect and veneration? Did they think of the rights of property when they passed the Reform Bill? What was the value of Gatton the year before the Reform Bill, and what was it the year after, when it came into the market? It was, nevertheless, not unfrequently urged at that time as an argument against the measure that it would affect the sacred rights of property. Let him remind the House of the magnificent and indignant refutation which that argument received from the lips of Sir James Mackintosh, when that distinguished jurist and philosopher said that the test which distinguished property from a public trust was simple and easily applied; property existed for the benefit of the proprietor, but political power was only given to be exercised for the benefit of the State. Surely hon. Members opposite, who had such deep concern for the rights of property in this matter, would not say that that distinction had no application whatever, because the trust was not only of a public but also of a spiritual character. The House might depend upon it that they could not deceive themselves in the present state of enlightened public opinion. It was not by denouncing ecclesiastical abuses—it was not by rising in that House, and earning by vehement general invectives a cheap reputation for an ardent reformer—it was not by writing anonymous letters in newspapers, misrepresenting the state of the law, and calumniating those who were compelled to administer it—that they could expect to shelter themselves from the specific reformation of this monstrous abuse, denounced as it was by common sense, common reason, common decency—by the principles and precepts of every Christian Church in the universe—by the common law of this country, and by the assembled Judges of the land. They could not screen themselves from the extirpation of this monstrous evil by simply invoking the sacred name of property, which was not now for the first time prostituted and degraded to cover the guilt of converting a solemn public trust, so awful as the cure of immortal souls, into a mere instrument of sordid private gain. It was for these reasons, and for others he might have adduced had time permitted, that he confidently hoped and trusted that the House would allow this Bill to pass a second reading and to go into Committee. He had only the further remark to make, namely, that he had carefully guarded the preparation of the Bill, so that it should be prospective and not retrospective in its operation. It did not touch the question of advowsons at all; it only had reference to the sale of the next presentation, which he thought he had demonstrated to the House was a continual source of profligate and shameless abuse.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. BOUVERIE said, that as it would be impossible to discuss the measure at that late period of the sitting [20 *minutes past 5 o'clock*], and as there was a great deal of other business on the paper, he would move the adjournment of the debate.

SIR ROBERT H. INGLIS said, the hon. Gentleman's Motion for adjournment, if made at all, should have been made earlier.

MR. BOUVERIE said, that he could not move the adjournment of the debate until after the Motion had been made.

MR. G. BUTT said, he thought that, if the hon. Gentleman had desired, for the sake of other business on the paper, to postpone this question, he might readily have done so by an arrangement with the hon. and learned Mover of the Bill, before the Motion was made. As the matter now stood, he was anxious that the mistakes and the fallacies which had been put forward by his hon. and learned Friend, should, to some extent at all events, be explained to the House. He readily admitted the learning and the ability which his hon. and learned Friend had displayed; but his hon. and learned Friend had throughout proceeded upon this leading fallacy, that it was simony for a layman to hold the next presentation to a living, and to exercise the right which the law gave him in the disposal of that presentation; and, having advanced that assumption, the hon. and learned Mover declared that it was high time that such disgraceful proceedings, as he called them, should be put an end to. Now, leaving aside altogether the canon law and its theory of simony, with which we had nothing to do, he begged to remind his hon. and learned Friend and the House that ever since the Reformation this had been the clear law of England, sanctioned by an unbroken series of authorities—the untouched and unshaken law—that a layman might buy, sell, settle, and dispose of, as he thought fit, the next presentation to a living. That law had been clearly defined by a long series of authorities in our courts of judicature. Now this Bill, which purported to be a Bill to amend the law relating to simony, in reality declared that what was not simony now should be simony hereafter, and in doing so affected, to a great extent, property which had hitherto been dealt with under the sanction of a clear and undisputed law; had passed like any other property; had been bought, sold, or disposed of, just the same as any other property. His hon. and learned Friend had very accurately stated that the Statute of Anne declared the corruptly obtaining of a next presentation to a living to be simony; but the Statute of Anne applied to corrupt practices on the part of clergymen, and did not at all affect the rights which the law enabled laymen to exercise with reference to the purchase, sale, and disposal of presentations. That interference, however, with the long acknowledged rights of lay impropriators, the Bill of the hon. and learned Gentleman now proposed to effect. Pass the measure, and the rights of property in this important respect would be extinguished for ever. He held in his hand a letter from a gentleman who had bought for the large sum of 15,000*l.*, under the sanction of the existing law, the next presentation to a living for his son; this gentleman put it to him, as he would put it to the House —suppose any circumstances should occur to prevent the presentation from taking effect as the purchaser had contemplated, how great would be the hardship of a measure which should prevent that purchaser from selling again the presentation which he had thus purchased. It would be not a whit more unjust to pass a law preventing any person seised in fee of an estate from granting a lease for a term of years after the termination of an existing tenancy. The hon. and learned Gentleman had assimilated the property in next presentations to the property in Gatton; but there was no analogy between the cases. The hon. and learned Gentleman would hardly say that the owner of Gatton had any legal property in the votes of the voters in respect of Gatton. As little would he deny that the owner of a next presentation had a legal right to its disposal. The principle of the measure, if carried out, would operate as a wholesale confiscation of the property of persons who had purchased that property under the sanction of the law. That it was matter of regret that by the plunder of kings for the endowment of favourites, and for other very questionable purposes, a great deal of the property of the Church had been separated from the purposes for which it was originally applied, he quite admitted; and it was especially matter of regret now that so much was needed to be done for the spiritual welfare of the people. But this was no reason why the House should be called upon to pass a measure directly interfering with the rights of acknowledged property; nor did he see that the Bill would do anything to benefit the public. The proposition was, that any next presentation in reference to which a violation of the contemplated law should occur, should be forfeited to the Crown. Now he extremely doubted whether the extension to the Crown of the rights to these presentations would much benefit the public. He was, he must confess, rather disposed, if anything, to abridge the presentations in the Crown, considering that the exercise of these presentations had so much to do with political influences. Nor should he be much more disposed to place the increased patronage in the hands of the bishops, having the clear opinion that, practically, this patronage was exercised far better for the general good in the hands which already held it. The bishop had te see that the clergyman presented was a fit and proper clergyman—and no other than a fit and proper clergyman should ever be presented—but it was a question of importance, whether a bishop would be more or less scrupulous in his investigation of his own son, nephew, or friend than he would be with the nominee of another person.

AN HON. MEMBER rose to order. He would appeal to Mr. Speaker whether the hon. and learned Gentleman was speaking to the Motion for the adjournment of the debate, or to the merits of the question?

MR. SPEAKER said, the Motion now before the House was, that the debate should be adjourned; but the hon. and learned Gentleman had not shown in the course of his argument any reason why the debate should not be adjourned.

Mr. G. BUTT said, he had begun by stating why the debate should not be adjourned, namely, that it seemed to him of the last importance that they should clear the question of the observations with which it had been introduced to the House by the hon. and learned Gentleman. He would, in deference to the wish of the House, content himself by saying that the existing law relating to simony had remained unaffected since the time of Henry VIII.; the property in question was established under that law; and the House was now called upon to destroy that property, and that without rendering any compensation to those whom they so injured.

Mr. J. WILSON said, the hon. and learned Member had given no reason why the Motion for the adjournment of the debate should not be agreed to. There was some business of importance with which the Government were anxious to proceed that evening; and as it was near six o'clock he hoped the House would see the propriety of consenting to the adjournment of the debate.

Mr. MALINS said, he trusted that the debate, if postponed, should be adjourned to a period of the day when the legal Members of the House would have an opportunity of expressing their opinions with respect to the measure under their notice. It was a measure of the utmost importance, and one which it was most desirable that those conversant with the subject with which it proposed to deal should have a full opportunity of discussing.

Mr. BANKES said, Wednesday was a day allotted to the special purpose of discussing Motions brought forward by independent Members, irrespective of the convenience or inconvenience of the Government. The hon. and learned Gentleman (Mr. Phillimore) had therefore a perfect right to introduce his Motion that day; but the hon. and learned Gentleman happened to sit on the side of the Government, and directly he made his long and effective speech, up jumped a Member of the Government and moved the adjournment of the debate, to prevent a reply being made.

Mr. BOUVERIE said, he begged to state that he was not a Member of the Government.

Mr. BANKES said, he thought the hon. Gentleman was a Member appointed to an office by the Government, and as such should have been the last man in the House to have made a Motion of that kind.

Debate *adjourned* till *Wednesday next.*

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, July 7, 1853.

Minutes. Public Bills. — 2ª Convicted Prisoners Removal and Confinement.

Reported.—Colonial Bishops Act Extension; Patronage Exchange.

3ª Soap Duties; Public Works Loan.

RUSSIA AND THE PORTE — QUESTION.

Lord BROUGHAM: I wish to put a question to my noble Friend the Secretary of State for Foreign Affairs. Of the importance of the question I am about to take the liberty of asking, I have no doubt; of the importance of the subject to which that question relates, no person can have a doubt. I beg to premise my question by stating, as my noble Friend knows, that I have had no communication whatever, directly or indirectly, with him upon this subject—I have had no communication, direct or indirect, upon the subject, with my noble Friend at the head of Her Majesty's Government. As to putting the question, as well as to the subject of the question, I have had no communication with any of my noble Friends amongst Her Majesty's Ministers. I put the question entirely apart from them, but I put it under a deep conviction of the importance of the question in the present crisis of affairs. My Lords, a notice stands upon our books in the name of my noble Friend the noble Marquess opposite (the Marquess of Clanricarde), which, if made to-morrow, as the notice implies, must needs bring on a discussion of all (for there can be no limit fixed to such a discussion) that relates to the present posture of affairs in the east of Europe. I know that that Motion is in safe hands, whether I regard the motives of my noble Friend in bringing it forward, or the sound discretion under the control of which he is sure to act; but my question is this—whether my noble Friend the Secretary of State for Foreign Affairs thinks that in the present posture of affairs, no inconvenience—I might even say mischief—may possibly arise—I may almost say may probably arise—from such a discussion at this period? If—which Heaven forbid!—all negotiation is at an end, and a rupture is inevitable, then no inconvenience can take place from the discussion. If—which Heaven grant!—negotiations are in such a state, and the posture of affairs is such, as almost to have attained the point of success, and the difficulty and embarrassment are at an end, then neither mischief nor inconvenience can arise: but if neither of those questions can be answered in the affirmative, then I put it to my noble Friend the noble Marquess, and I appeal to his discretion, whether it would not be well to abstain from making this Motion, for the present at least.

The EARL of CLARENDON: My Lords, it is perfectly correct, as my noble and learned Friend has just stated, that he did not communicate with me, nor, to the best of my knowledge, with any of my noble Friends near me, about the question which he has now put. The first notice I had of the intention of the noble and learned Lord was, when he just now beckoned to me, from which I thought he was about to put some question relative to our foreign relations. My Lords, in answer to my noble and learned Friend's question upon the very grave subject that now agitates the public mind, with regard to which my noble Friend (the Marquess of Clanricarde) has given notice of a Motion for to-morrow, I certainly cannot say that there would be neither mischief nor inconvenience in a full discussion of that subject at present. Unfortunately, I cannot say that negotiations have arrived at that point, or that this matter is so near a settlement, as to render a discussion upon it comparatively unimportant. But I do say that negotiations are going on; that we most earnestly hope that there may be a peaceful solution of the question; and that I am sure your Lordships would be the last persons in the kingdom to do anything to interfere with that settlement. I entirely agree with my noble and learned Friend that this question cannot be in safer hands than in those of my noble Friend the noble Marquess near me. I am, indeed, indebted to my noble Friend already for having once or twice put off this Motion of which he has given notice, and that he, as well as my noble Friend opposite, has been content with such answers as I was enabled to give upon this subject; and I felt that after the great delay that has taken place in bringing this question to a solution—considering, too, the very grave interests that are connected with it, and the very natural anxiety which exists, not only in your Lordships' House, but throughout the country, to possess all the information which Her Majesty's Government could safely give—I felt, my Lords, that I ought not again to ask my noble Friend to withdraw his Motion; but I reserved to myself, in reply to him, to say nothing more than my sense of public duty allowed—more than which neither he nor your Lordships would require. I therefore did not make any application to my noble Friend to postpone his Motion, holding myself ready to meet him to-morrow. As, however, I am upon my legs, I will take this opportunity of asking my noble Friend whether he will object at least to postpone the Motion until Monday next? It is not with reference to the difficulties of the subject itself that I ask him to do this. I do not mean that from the danger of discussion, or the amount of what I should have to say upon the subject, I should ask my noble Friend to postpone his Motion until Monday next. I do not believe that the nature of things or the state of things will vary between to-morrow and Monday next. My reason for asking is, that I think it would be convenient to have this discussion in both Houses at the same time; and my noble Friend Lord John Russell is so extremely unwell that it would be impossible for him to be in the House of Commons to-morrow. My noble Friend, however, hopes to be present on Monday, and to that day, therefore, I would ask the noble Marquess to postpone his Motion. I think I can rely on the judgment and discretion of my noble Friend upon that occasion; and I am sure he will not bring forward then anything prejudicial to the public service, or, least of all, that he will not bring forward anything likely to impede the progress of the negotiations now going forward.

The EARL of ELLENBOROUGH: My Lords, it is to be expected that Her Majesty's Government must be desirous of taking the earliest opportunity, consistent with its views of the public interests, to make a statement to the House of all the transactions that have taken place, and, if necessary, to ask for the opinion of Parliament on their conduct—if necessary, to ask for the suport of Parliament in the acts they are inclined to adopt; and if that be a fair conclusion to arrive at with respect to their proceedings, I really think the noble Marquess would only exercise a sound discretion, and have in view the public convenience, if he deferred, not only until Monday, but generally, without fixing at present any day, the Motion of which he has given notice for to-morrow. I am myself so strongly impressed with a sense of the expediency of that postponement, that it had been my intention to communicate to the noble Marquess my wish that he would generally postpone that Motion. I should have done so, because I cannot think it would be desirable that any statement should proceed from the noble Marquess, however temperate that statement might be, when it would be perfectly impossible for Her Majesty's Government to make any other than a partial and lame statement respecting the transactions in question. Such a statement would not, under any circumstances, be satisfactory to your Lordships; and if they were to go beyond that statement, and disclose matters, for the convenience of debate, which ought at present to be kept concealed, public mischief, and not public advantage, would be caused from the discussion being forced upon us. That opinion which is stated in the last paragraph of the Motion which the noble Marquess intends to propose—"that Her Majesty may confidently rely upon the zeal and affection of this House for their cordial concurrence and support in maintaining the faith of treaties to which this country is a party, and in preserving those territorial and political arrangements upon which depend the general peace of Europe, the security of commerce, and the national independence of our ancient allies"—it may be very proper for us at some future period to declare, it may be very right for us to say, that, at some future period; there is, however, judgment in not merely saying the right thing, but in saying the right thing at the right time; and that time certainly appears not yet to have arrived. I will suggest to the noble Marquess that he should take into consideration whether in reality it will be for the public advantage that either on to-morrow or on Monday this discussion should be forced upon the House—the question being one of the most difficult and important character, on which it is perfectly impossible for Her Majesty's Ministers, consistent with their duty, to make a full disclosure of the transactions that have taken place.

The Earl of DERBY: Before the noble Marquess proceeds to give an answer to the appeal that has been made to him, I trust I may be permitted, on a question of this importance, to say a few words. The noble Marquess opposite, in giving the notice which stands on the paper in his name, though he may, of course, have mentioned the matter to his private and personal friends, did so, I think I may say, without consulting with any political party, and without reference to any political support he might receive from one side or the other. As has been stated by the noble Earl the Secretary of State for Foreign Affairs, I, as well as he, came down to the House without receiving any intimation that the question was to be brought forward by the noble and learned Lord near me, and I was unaware of his intention, until he stated, to my surprise, that he was about to bring this question under your Lordships' consideration. I was aware that it was the intention of my noble Friend who has just sat down, to make some suggestion in reference to the Motion; and I now desire to express my entire concurrence in the views expressed by my noble Friend and the noble Earl opposite. I beg to express my hope, also, that the noble Marquess will be content, notwithstanding the natural anxiety which he and the country must feel for the solution—God grant it may be the pacific solution!—of the question to withdraw his Motion, and that he will be satisfied to leave the responsibility of the question where it must rest—on the Government—and that he will not embarrass them and the affairs of the country by calling upon them to make declarations that may be inconsistent with the advantage of the public service, or, on the other hand, bring on a partial discussion, in which it would be impossible, on their part, to enter fully into the question. I rise, not so much to express my concurrence in the view of my noble Friend who last addressed your Lordships, as to express a hope that if this course which we suggest shall be taken in this House, it will be also deemed expedient that a similar course should be taken in the other House of Parliament. I think my noble Friend the Secretary of State of Foreign Affairs has rested his request for a postponement till Monday on the ground that a similar postponement has taken place in the House of Commons; and I am sure your Lordships, and the Members of the other House of Parliament, are equally aware of this—that it would not be proper to have one House of Parliament altogether silent in the discussion of foreign affairs, while in the other House there should be a partial statement, made by an individual Member, which will be either answered imperfectly, or not answered at all. The course that will be pursued by the hon. Gentleman who has given that notice of Motion in the other House, must rest with himself alone; but as the noble Earl has made an appeal to the noble Marquess, and as I cannot make a similar appeal to the hon. Gentleman in the other House, I have merely to say, that whenever the question is discussed it should be discussed fully, and whenever it is discussed in one House, a simultaneous discussion, under circumstances exactly similar, should take place in the other House of Parliament.

EARL GREY: If I rightly understood the reply of the noble Earl the Secretary of State for Foreign Affairs to the question put to him by the noble and learned Lord (Lord Brougham), he distinctly stated, that it was out of his power to deny that a discussion upon this subject at this moment would not be unattended with mischief and inconvenience. Now, I think after that declaration from the noble Earl the Secretary of State for Foreign Affairs, the propriety of postponing the discussion must be obvious to every one. And I cannot think that any scruple which my noble Friend (the Earl of Clarendon) may have in asking that this Motion may be postponed because he has before made a similar request—I cannot think, I say, that any scruple of that kind ought for a moment to stand in the way of my noble Friend endeavouring to prevent this discussion coming on until such a time as, in his judgment, knowing when it may safely take place, it may be brought on. That it should ultimately take place—that a subject of such deep importance should be discussed, and fully discussed, in both Houses, is, I think, obviously necessary; but, on the other hand, even those who have no other means of information on the subject than can be obtained from the public papers, can hardly doubt that, at the present moment, a discussion upon this subject in both Houses of Parliament can hardly fail to be attended with some risk of increasing existing irritation, and diminishing the chances, which I trust are still great, of preventing any unfortunate breach in the peace of the world.

The MARQUESS of CLANRICARDE: May I beg that my noble Friend the Secretary of State for Foreign Affairs will repeat the expressions he has used respecting the inconvenience of proceeding with my Motion? I did not understand his observations in the same sense as my noble Friend near me.

The EARL of CLARENDON: In answer to my noble Friend, I have to state that I repeated, or intended to repeat, the words of my noble and learned Friend opposite. I said I could not deny that there might be mischief and inconvenience in bringing on a full discussion of this subject at the present time; but that I did not think it right to ask my noble Friend to put off his Motion again, because I would reserve to myself the right to say nothing in reply which I thought would be detrimental to the public service.

The MARQUESS of CLANRICARDE: My Lords, I deeply feel the responsibility that is thrown upon me—a responsibility that is the greater, because, as the noble Earl opposite has rightly said, I certainly consulted no Member of this House, much less any party in this House, with respect to this question, or the Motion I might make, or as to any part that might be taken by leading Members of this House thereupon. After what has been said by my noble Friend the Secretary of State for Foreign Affairs, I cannot of course think of proceeding with my Motion. When I am told on authority that I incur a risk, even the slightest, of increasing the difficulty of this critical moment, or that I incur any risk, no matter how slight, of causing inconvenience and mischief at such a moment—I cannot for an instant hesitate to stop in the course which I thought it would be advisable to adopt. At the same time I may be permitted, without at all discussing the question, to say that there seems to have been, amongst some noble Lords who have spoken, a misapprehension of the Motion which I thought it was my duty to place on the notice paper. Into the whole of the question as regards this House, I certainly did not intend nor wish to enter, because an important part of that question, when it comes to be fully discussed, must be the conduct of Her Majesty's Government. I certainly did not think that I could in any way arraign or touch them by insinuation or supposition, much less could I attempt to laud them, until all the papers connected with the subject were laid before your Lordships. But what appeared to me was this—that in the present state of affairs (there being certain circumstances public and patent to the whole world) an expression of opinion by the British Parliament at this moment could not fail to have a very great effect on the course of events. With your Lordships' permission, I am willing to withdraw the notice on your Lordships' table; but you must understand clearly and distinctly that I do so only on the supposition, and with the anticipation, that the Motion of which notice has been given in the other House of Parliament will likewise be postponed. I certainly have thought, and notwithstanding what has been said my opinion remains unchanged, that at this critical moment an expression of opinion by the two Houses of Parliament, and of the feeling which I am sure must animate them, and, from what I see by the organs of public opinion, I can confidently say does animate every man in this country, in Parliament and out of Parliament—an expression of the firmness which, I trust (and which I do not wish to insinuate the slightest doubt of), is to be found in Her Majesty's Councils—I say the expression of such a feeling and such an opinion at this moment, it did seem to me, would not be without particular weight, not in increasing hostility, but in averting that which appears to me, if vigorous steps are not taken to prevent it, may lead to a general and tremendous war, such as, thank God! has not been witnessed since 1814. These were the views with which I thought it right to ask your Lordships to consider the circumstances of the case as it now stands, not with reference to details with which we are unacquainted, but with reference to all those great facts that have been published to the world by authority, and on which no doubt can be entertained by any assembly, or by any individual. In the discussion of those facts, I believe, no material difference would be found to exist; but, lest I should incur even the possible risk of causing difficulty, I do not hesitate as to taking the course which it is my duty to take, and, with your Lordships' permission, I will withdraw my notice of Motion.

EARL FITZWILLIAM: Before this question entirely passes away, I am desirous —not to provoke any further discussion, but in order to place before the public the fullest information that can be obtained—to ask the Members of Her Majesty's Government, and more especially the noble Earl the Secretary of State for Foreign Affairs, whether the document—an unauthorised copy of which I hold in my hand—is believed by them to be authentic, or if it has been or is in the possession of Her Majesty's Government? It is dated from Peterhoff on the 14th, otherwise the 26th of June, 1853. It says—

> "It is known to our faithful subjects that the defence of our faith has always been the sacred duty of our ancestors. From the day it pleased the Almighty to place us on the throne of our fathers the maintenance of the holy obligations with which it is inseparably connected has been the object of our constant care and attention; these, acting on the groundwork of the famous treaty of Kainardji, which subsequent solemn treaties with the Ottoman Porte have fully confirmed, have ever been directed towards upholding the rights of our Church."

Having stated the circumstances which appeared contrary to the faith of treaties to the great Powers with which Russia was in relation, the document concluded with these remarkable words:—

> "But if, through stubbornness and blindness, it desires the contrary, then, calling God to our aid, we shall leave Him to decide between us, and, with a full assurance in the arm of the Almighty, we shall"—

these were words very remarkable—

> "go forth to fight for the Orthodox faith."

That is, your Lordships will agree with me, a most remarkable document, and I am desirous—and I believe your Lordships will be desirous with me—of knowing whether Her Majesty's Government has reason, from anything that has been communicated to them, to think that document really proceeded from the quarter whence it seems to be dated?

The EARL of CLARENDON: In answer to my noble Friend, I have only to say, we have received that document from Her Majesty's Minister at St. Petersburg; that it was furnished without comment, simply as having been published on the day on which it was sent to us by post. We have no further information on the subject. I believe that in the translation which appeared there were some faults, not of much importance, but one of them struck me as the noble Earl read the concluding sentence now, in which he read—"We shall go forth to fight for the orthodox faith." The words should be, "We shall go forth to fight in defence of the orthodox Church." There is not much difference, but the latter words are nearest the sense. In other points the translation was tolerably correct.

The EARL of MALMESBURY said, he was under the impression that his noble Friend (the Earl Fitzwilliam) was about to remark to their Lordships on the main question, otherwise he would have wished to have addressed a few words to the House in reference to it; but as now it had been agreed to postpone its further consideration, he should not attempt to return to it. He must say, however, that their Lordships ought to be assured by

Her Majesty's Government that, as far as in them lay, they will endeavour to effect a similar postponement of the discussion on Monday next in the other House: for it could be no compliment to their Lordships to be suspected of not having sufficient discretion to carry on such a debate, while it was declared that it was quite open to the House of Commons fully to enter upon it. He therefore must say, that he thought they ought to have the confident assurance of Her Majesty's Government that, as far as they had power to do so, they would use their exertions to bring about a similar postponement in the other House of Parliament to that which the noble Marquess opposite had this evening consented.

The EARL of ABERDEEN: It is quite impossible for the Government to give instructions with respect to the order of business in the House of Commons. All we can do is, to exercise any influence we possess to do our utmost to prevent the discussion.

The MARQUESS of CLANRICARDE: And also to assure us that if the efforts of Government fail, your Lordships shall not be debarred from the same right of discussion as the other House. The Government may not be able to prevent the Motion coming on; and, if so, I am, I confess, one of those who think the inconvenience might be less by a discussion in this House also.

WILSON'S (HAMPSTEAD) ESTATE BILL.

LORD COLCHESTER moved the Second Reading of this Bill. It was really nothing more than a private Bill, but it had been made to assume the character of a public Bill in consequence of the importance attached to it by the interest which a portion of the public took in the property to which the Bill applied—namely, the manor of Hampstead, including Hampstead-heath. It had been said that this was a Bill to empower Sir Thomas Wilson to enclose Hampstead-heath, and to grant it out on building leases. A strong feeling in opposition to the Bill had been consequently raised. He could, however, assure their Lordships that the Bill was not intended to have any such effect. It was not for enclosing Hampstead-heath, or any other land whatsoever. Its only object was to give to Sir Thomas Wilson power to grant leases for a longer term than he possessed the power to do under his father's will. There was no person who would be more opposed to the enclosing of Hampstead-heath than himself; but there was no provision whatever in this Bill that would give the slightest facility for such a step. When the Bill was before their Lordships on a previous occasion, the opinion of the Judges was taken upon it, and was given in its favour. The noble Lord then pointed out the nature of the several provisions of the Bill, and concluded by moving that it be read a second time.

The EARL of SHAFTESBURY said, that he should say "Not content" to the second reading of this Bill; but he begged at once to observe, that those who opposed the second reading of the Bill were not anxious to interfere with the rights of Sir Thomas Wilson in disposing of his property in whatever way he might think proper, under and in accordance with his father's will by which he had obtained it. He had the full benefit of the property devised to him by his father's will, and no one wished to disturb him in it; but it was quite another thing when he came to Parliament, and asked for powers which the will of his father did not confer upon him. Their Lordships, before complying with such a request, were bound to inquire whether the powers asked for would, if granted, be beneficial or injurious to the public. His belief was, that the granting of such powers would be most detrimental to the public interests. This Bill had been before their Lordships four several times already, and had been as often rejected; and he hoped that on this the fifth time, the rejection would be final to this persevering and tiresome application. It was a Bill to enable Sir Thomas Wilson to grant building leases of his land at Hampstead. He understood the noble Lord to say that no such power was demanded; but it was clear from the contents of the Bill that a power was demanded to grant building leases for ninety-nine years—a power that would very much intrench upon open spaces and impede the free circulation of the air which they at present enjoyed. He understood at the time the will was made, the property was not available for building purposes; but, since then, a road had been made called the Finchley-road. Now, the inhabitants of Hampstead and the neighbourhood would have no objection to Sir Thomas Wilson building on either side of that road, which presented a very great frontage; but Sir Thomas demanded a power to build elsewhere. If the powers now sought to be obtained had been unintentionally omitted from the will of the late

Sir Thomas Wilson, there might have been a strong ground for the present claim; but it really did appear that it was the decided determination of the testator that the land in question should not be built upon. Sir Thomas Wilson, therefore, asked their Lordships to give him powers which he did not possess under his father's will, and powers which it was not intended he should possess; and his opinion was that the giving of such powers would be greatly to the disservice of the community.

Amendment moved, to leave out "now" and insert "this day three months."

The Earl of WICKLOW supported the Bill. The argument of the noble Earl was inconsistent with itself. He first said that the powers asked for ought not to be granted, because they would be in violation of the provisions of the will of the late Sir Thomas Wilson; and then he immediately added that the people of Hampstead would not object to the present Sir Thomas Wilson building on the sides of Finchley-road, which would be equally a violation of his father's will. Their Lordships were appealed to by the opponents of this Bill, not upon the justice of the case, but merely on the ground that Hampstead-heath happened to be very convenient for the public. But, in his opinion, it would be most unjust in their Lordships to consider the convenience or even the health of the people in that locality when debating this question. He agreed that any alterations in the neighbourhood of Hampstead-heath would be a great inconvenience to the public; that, no doubt, was an argument in favour of the public buying the land, but it was no argument for refusing to the owner of that land those powers which were necessary to his full enjoyment of it.

Lord CAMPBELL still adhered to the unfavourable opinion which had been expressed with respect to this Bill when it was before their Lordships in 1845. Each of the four previous Bills which had been introduced with respect to this property had been rejected on deliberate consideration by that House, and with the sanction of his distinguished predecessor, Lord Denman, who was not in the habit of giving his opinion without grave deliberation, and who had the most perfect respect for the rights of property. The only opinion which the Judges had given on this matter was, that no person having a vested interest in this land would be injured by this Bill; but they had given no opinion as to whether it would prejudice the copyholders of the manor of Hampstead or the public at large; or as to whether it was a proper Bill for that House to pass. Indeed, those Judges who were Members of their Lordships' House —of whom Lord Denman was one—had voted against it in 1845. The clear rule was, that the will of the donor of any property should be upheld, unless something had occurred since his death which there was reason to believe would have caused him to make a different disposition of his property had he been alive. Now not only was this not the case here, but there was strong evidence that the late Sir Thomas Wilson had, from good feeling towards the public and his friends at Hampstead, intentionally withheld from his son the power of granting building leases for 99 years on the portion of his property to which this Bill referred.

Lord REDESDALE was bound to say that he considered this to be a very hard case. It was that of ground which, from the extension of the neighbouring suburban districts had become very valuable, and its owner came to Parliament and prayed for those powers which in an ordinary case would be granted as matter of course, without objection being made. The real question was, whether the late Sir Thomas Wilson, if he were now alive, would have granted such powers with regard to building leases as those proposed to be given under this Bill? His belief was, that the late proprietor would have done so; his will was dated in 1796, and he afterwards made codicils by which he granted building powers over a portion of his estate nearest to his family residence at Charlton. It was to be supposed that he would still more readily have granted such powers with respect to a locality at a considerable distance. The ground in question had been lately opened up by a new road, and was being built up to every day. It was quite false to say that this was a proposal for the enclosure of Hampstead-heath; it related to land which was the private property of Sir Thomas Wilson, and over which no one else had any right.

The Marquess of CLANRICARDE said, it was perfectly true that if the late proprietor were alive he would need no Act of Parliament whatever to enable him to do what was proposed in this Bill. If the gentleman who now advanced the claim should chance to die within six months, his successor could, without any authority from that or the other House of Parliament, grant building leases over every part of the estate. The embarrassment in this case arose wholly and solely from the casualty of this gentleman being at an advanced period of life without an heir, and the estate being entailed collaterally. He thought it necessary to say this, because for many years he had heard of this measure as one in which the lord of the manor asked powers not rightly belonging to him, for the enclosure of Hampstead-heath.

LORD COLCHESTER, in reply, stated that this Bill did not give Sir Thomas Wilson the power of building upon Hampstead-heath; or any part of Hampstead-heath; and if their Lordships would agree to the Bill, Sir Thomas Wilson was quite willing that any clauses should be struck out which might appear to give such power.

On Question, That "now," stand part of the Motion,

Their Lordships *divided*:—Content 19; Non-content 21: Majority 2.

Resolved in the *Negative;* and Bill to be read 2ª on *this day three months.*

EAST INDIA COMPANY'S EUROPEAN TROOPS BILL.

The EARL of ELLENBOROUGH said, he had extracted the substance of this Bill, empowering the East India Company to augment the number of their European troops both in India and in this country, from the Ministerial measure relating to the Government of India. It was on the supposition that the House of Commons would agree to that clause of the measure that he had done so, thinking that no time should be lost in making preparation for the defence of the country, and that it would be advisable that they should pass this part of the measure at once, as by doing so they would save six weeks. He, therefore, took the earliest opportunity of submitting to their Lordships the means by which that course could be secured. If his noble Friend at the head of the Government should think it desirable to accept his offer, he would most willingly give up the charge of the Bill into his hands.

The EARL of ABERDEEN would only observe that this measure appeared to be one of an unprecedented character. There must be something very urgent in the circumstances in order to justify such an unusual proceeding, and he was not aware of any such circumstances. He thought there was no reason whatever why this provision should not come before them six weeks hence, and he could not adopt the suggestion of his noble Friend.

The EARL of ELLENBOROUGH said, that under these circumstances of course it would be quite idle for him to press the second reading of the Bill.

The Order of the day for the Second Reading read, and *discharged.*

SOAP DUTIES BILL—FOREIGN AFFAIRS.

Order of the Day for the Third Reading read.

Moved—"That the Bill be now read a Third Time."

The EARL of ELLENBOROUGH wished to call their Lordships' attention to some considerations of great importance, which arose on the proposition for the third reading of this measure. When the Bill was first brought into the House of Commons three months back, it formed part of a great system of finance, founded apparently on the supposition that the happy state of peace which had lasted for nearly forty years would endure for an indefinite period longer. It was proposed, therefore, as part of a peace Budget. But since that time a very great change had taken place in the position of this country. At this moment a French fleet joined to an English fleet was at the mouth of the Dardanelles; and it was to be apprehended, undoubtedly, that the officers in command of the fleets must have certain instructions for acting, under certain circumstances, in co-operation for the defence of our ally the Sultan of Turkey, and such action, if the case should ever occur, would be war. We had likewise assembled such a fleet as was perhaps never got together since the peace—though still not so large as we might need—at Spithead. That squadron was assembled for the purpose of defending the coasts of this country; for if that action took place, and there should be war at the mouth of the Dardanelles, it must be perfectly well known to their Lordships that within three weeks of that time a very much stronger Russian fleet than any which we could show, with troops on board, might be at the mouth of the Thames. He must, therefore, say that the circumstances in which we now stood were altogether different from those under which the Bill was originally proposed. It was then part of a peace Budget, and it might now probably be regarded at this time as part of a war Budget, which would have to be proposed for the purpose of meeting the new circumstances in which we were placed. He thought it most expedient, under such circumstances, that Parliament should hold its hand for a short time. The noble Earl at the head of the Foreign Department had very prudently said that it was not expedient, and not consistent with the public interests, that they should at the present moment enter into a general discussion of our relations with Russia, and the existing position of the Eastern question. If the noble Earl could not see daylight as to the ultimate result of the negotiations in progress, and could not look forward with certainty to a pacific solution of the question, surely that must be a reason for their Lordships to guide their course accordingly. The same reason which deterred the noble Lord from speaking on details, should deter their Lordships from reading a third time a Bill for the repeal of a tax which gave very considerable assistance to the revenue, every shilling of which they would want, if the result of the present negotiations should be unfavourable. Therefore, he should beg leave to suggest to Her Majesty's Ministers that it would not be expedient to read this Bill a third time until the state of affairs was such as to make it possible for the Secretary of State for the Foreign Department to enter into a full explanation of all that has taken place to affect our relations with Russia.

The Earl of ABERDEEN said, he must be excused from dwelling upon some of the topics touched by his noble Friend. With regard to the suggestion his noble Friend had made for postponing the Bill before their Lordships, he could only state that it was his earnest hope that no such resources would be required to meet any such necessity as that to which he had adverted. But if, unfortunately, he should be mistaken in that hope, and if the greatest calamity that could befall this country should be imminent, why, even then, he did not think it was the duty of the House of Lords to interfere and prevent the relief afforded to the people by the repeal of these duties. If it should so happen that the House of Commons should determine that this country shall be placed in a state of war, why, the House of Commons would undoubtedly provide the means for carrying it out.

The Earl of DERBY must say that he altogether differed from the noble Earl opposite (the Earl of Aberdeen), in his view of the relative duties of the House of Commons and the House of Lords. They were not in the same position as was the House of Commons when the Bill was first laid before them; they were asked to consent to the measure as part of a general system of taxation sanctioned by the House of Commons. The noble Earl must admit that noble Lords on the Opposition side of the House, during the present Session, had given ample proof that they were not disposed to bring that House into collision with the House of Commons, or to refuse the imposition of any tax that might be demanded as requisite for the public service. But he must concur with his noble Friend near him in thinking that at a time when they were in a state of painful suspense and anxious uncertainty as to the possibility of maintaining the peace of Europe, it was their duty not to neglect the state of the finances, or to abandon lightly sources of revenue immediately available, amounting to something like 400,000*l.* [The Earl of ABERDEEN: 1,200,000*l.*] That made the case of course much stronger. His noble Friend did not ask them to refuse their consent to the measure sent up to them by the House of Commons, but he asked them to be quite satisfied, before they passed it, that the circumstances were the same in which the House of Commons was placed when they thought it expedient and practicable to take off this amount of taxation. The noble Earl must be well aware that there was a great difference between the imposition of a tax that might be required for the public service, and abstaining from taking off a tax until they knew whether the revenue would bear the loss. They had had a statement made of the financial position of the country, and even supposing peace to be altogether uninterrupted, and no larger expenditure to be incurred by our preparations, he would not say for war, but for averting war, the Chancellor of the Exchequer was not enabled to show a surplus exceeding 280,000*l.*, according to the last estimate. If, then, they should be compelled, not to go to war, but to make any extraordinary efforts, or to incur any extraordinary sacrifices, was it wise to surrender 1,200,000*l.* of revenue. Would it not be prudent to keep that amount in hand, in order that the House of Commons might have an opportunity of judging whether under the new circumstances they could afford to dispense with this tax, without danger of having to resort to other taxes in order to meet any emergency that might arise?

He was inclined to think that the wisest course would be that suggested by his noble Friend, of postponing the third reading of the Bill for a fortnight or three weeks—a course which would produce no effect whatever upon the revenue, although it might produce some little uncertainty, but which uncertainty arose, in fact, not from the proposition of his noble Friend, but from circumstances of a very important character, namely, the preservation of peace, or otherwise. Was it a prudent or a wise course in the prospect of that uncertainty to take a step that would absolutely deprive the Exchequer of more than 1,000,000*l.* of revenue, when they had the alternative of waiting a fortnight or three weeks to see whether the tax could be taken off with safety to the public. It appeared to him that a short delay was the course dictated by prudence and sound sense, and that the other course was unsuited to the present circumstances of the country, and was incurring a risk which he could not but think would add seriously to the responsibility now weighing upon Her Majesty's Government.

The EARL of ELLENBOROUGH moved that the Bill be postponed for a week.

Amendment *moved*, to leave out "now," and insert "on Friday the 15th of this instant July."

EARL GRANVILLE could not help thinking that it would be infinitely the wisest course to leave the responsibility of this case with the Government. If the Government assumed that responsibility—weighing, on the one side, the great alarm and inconvenience which the adoption of the proposition of the noble Earl would occasion to the mercantile community, and feeling, on the other side, perfect confidence that if the honour and interest of the country required us to enter into a war, there would be no difficulty whatever on the part of this rich and spirited country in finding the necessary means—he really hoped that his noble Friend would not press his Motion to a division, or that, if unfortunately he should do so, their Lordships would not concur with him.

The MARQUESS of CLANRICARDE said, he apprehended that although the noble Earl might not press his Motion to a division—supposing that the Government took upon themselves the responsibility of resisting what he considered a very wise suggestion, and supported by most sensible, clear, and rational arguments, he still must say that he was happy the Motion had been proposed, if it were only that it had elicited from the noble Earl at the head of the Government, and from the noble Earl the President of the Council, an expression of confidence that, at the shortest notice, the resources of the country would be found in such a state as to enable us to meet any emergency which might arise. Nevertheless, he thought it would be wise if for a short time they held their hand, as the noble Earl advised; and he did not see that any interest could be injured by that course. For although it might be true that a certain degree of alarm might be created by it, it would not the less create a confidence in the determination of the Government to uphold the honour and interests of the country at any cost, and that confidence would place the commerce of the country on so sure a basis that it would bear no proportion to the disadvantage which might result to the country from the repeal of the tax. If, however, the Government, feeling that they had ample resources at their command to meet any dangers or difficulties that might possibly arise, and, therefore, assumed the responsibility of refusing the assistance offered to them by the proposition of the noble Earl, he did not suppose that it would be desired to force it upon them, though he thought it would be wiser if they accepted it.

LORD BEAUMONT considered that the whole question rested on the responsibility of Government. If their Lordships had the assurance of Government that they were prepared to take the whole responsibility of meeting any emergency that might occur, he thought that they ought to trust them to that extent; but it was only on that understanding that he should accede to the proposal for passing this measure.

The EARL of ELLENBOROUGH said, he should certainly not withdraw his Motion. On the contrary, he wished that it should appear on the Journals as an indication of his opinion of the absolute necessity, under present circumstances, of keeping all the resources they could in their hand for the public protection. At the same time, he knew it would be quite idle for him to divide the House. He certainly did not feel that he could place the same degree of reliance on the Government, as that which seemed to be placed on them by some noble Lords who had spoken. If the responsibility of Government could fit out a fleet, he should be perfectly satisfied; but knowing, as he did, that it could do no such thing, it could not in the slightest degree be a matter of consolation to him to throw upon the Government the *onus* of meeting that difficulty.

On Question, That "now" stand part of the Motion, *Resolved* in the *Affirmative.*

Bill read 3^a accordingly, and *passed.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 7, 1853.

MINUTES. PUBLIC BILLS.—1° Probate and Administration; Entry of Seamen; Naval Coast Volunteers: Coinage Offences (Colonies); Dublin Carriage.

2° Copies of Specifications Repeal; Sale, &c. of Lands (Ireland); Dublin Parliamentary Registration.

3° Public Houses (Scotland).

LANDLORD AND TENANT (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 7 (Determination of Cottage Holdings).

MR. SERJEANT SHEE said, he wished to move an Amendment to this clause, the object of which was to convert the tenancies of persons employed by the owner of a cottage, either as agricultural labourers, or hired servants or artisans, into tenancies which might be determined by a monthly notice.

MR. KEOGH said, he must support the clause as it stood, because he thought it would be holding out a bonus for the construction of cottages.

VISCOUNT MONCK said, it appeared to him that the clause was intended to provide for the exclusive benefit of the cottier class.

MR. NAPIER said, he also should support the clause as it stood, considering that it was emphatically a clause for the benefit of the cottier tenantry.

MR. KENNEDY said, he objected to the clause on the ground that it tended to convert the cottier class into a gipsy population.

MR. KIRK believed, that the object of the clause was to encourage landlords in the neighbourhood of manufactories to build a better class of cottages for those employed in the manufactories.

MR. SULLIVAN said, he was opposed to the clause, inasmuch as it would subject the poor cottier tenantry to monthly notices.

MR. SERJEANT SHEE said, he would withdraw his Amendment.

MR. M'MAHON said, he considered this clause to be unnecessary. The common law was, in his opinion, quite sufficient to provide a remedy for any grievance that could occur; and he should move that the clause be expunged.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided:*—Ayes 51; Noes 13: Majority 38.

Clause *agreed to;* as was also Clause 8.

Clause 9.

MR. M'MAHON said, that he entertained the same objection to this clause as to Clause 7—that it was quite unnecesary; and he should therefore move that it be expunged.

SIR JOHN YOUNG said, he considered that legislation on the subject was necessary, and that the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) had adopted, in the clause under consideration, the wisest form of legislation. He should certainly vote that the clause should not be expunged; and he hoped that the Committee would pass it as it at present stood.

MR. SERJEANT SHEE thought, that the clause would prove to be satisfactory in its operation.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 10 (Dispute as to con-acre to be summarily determined).

COLONEL GREVILLE said, he must express a wish that there should be a power of appeal from the justice of the peace, in cases of dispute as to the value of conacre.

MR. NAPIER said, that if it were the wish of the Committee that a power of appeal should be given, he would have no objection to frame a clause to that effect.

CAPTAIN SCOBELL said, he must protest against introducing a principle in Ireland that was not recognised in any other part of the kingdom—namely, that one justice of the peace should have the power of deciding upon these matters.

MR. NAPIER said, he could explain that this power was granted under the Petty Sessions (Ireland) Act of 1851, owing to the difficulty of procuring the attendance of two justices in many parts of Ireland.

MR. F. SCULLY said, he concurred very much with the hon. and gallant Member for Bath (Captain Scobell); but he thought the objection might be removed by omitting the words "one of the," and thus leave the decision to the magistrates assembled in petty sessions.

SIR JOHN YOUNG said, the presence of a second magistrate could not always be obtained in many parts of Ireland, and, consequently, if the suggestion just made were adopted, parties would often be left without redress.

MR. WHITESIDE said, that the conduct of the magistrates of Ireland was so closely scrutinised in matters of this kind, that there was no great likelihood of their acting with impropriety, particularly as it was understood that there would be a power of appeal granted.

MR. V. SCULLY said, he wished to move that the words of the clause should be "before two or more justices of the peace," instead of "before one;" with a view of rendering the decision as to the value of con-acre more satisfactory to all parties.

Amendment proposed, in page 4, line 7, to leave out the words "any one or more than one Justice," in order to insert the words "two or more Justices."

SIR JOHN YOUNG said, he could not consent to this proposition.

CAPTAIN SCOBELL would suggest in reply to an observation of the deficient number of magistrates, that others should be placed in the commission.

MR. H. HERBERT said, he was able, from personal observation, to confirm the statement as to the difficulty of finding two magistrates to act in some parts of Ireland. In the part of the country with which he was connected, the county of Kerry, there was a district twenty-five miles long in which there was only one magistrate. It might be said, "Appoint others;" but where were they to come from? It was necessary to appoint a poor-law guardian in this district not long since, and not a man could be found fit for the office, because nobody there could speak English. At length an auctioneer, who lived in a town twenty miles off, and could speak English enough to make himself understood, was seized as he was travelling in his gig through the country, and made poor-law guardian. Upon another occasion a postmaster was wanted, and after much consideration it was determined to appoint to the office a man who was what was called in Ireland "sense bearer" to the district—a person whose business it was to carry information from one person to another. The man was duly installed in his office, when an insuperable objection to the appointment appeared in the fact of his being unable to read or write.

MR. V. SCULLY said, it certainly was his intention to divide the Committee on this Amendment, on the ground that no such power should be entrusted to a single magistrate. He had no idea that the whole of Ireland should be legislated for in deference to the particular circumstances of a wild, outlandish place, such as that described by the hon. Member for Kerry.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 55; Noes 32: Majority 23.

MR. R. FOX said, he wished to propose an Amendment which he thought was necessary in order to render the clause more clear and satisfactory.

Amendment proposed in line 18, after the words "not being," to insert the words "landlord or agent of the estate or."

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 27; Noes 61: Majority 34.

Clause *agreed to;* as were also Clauses 11 to 19 inclusive.

Clause 20 (Letting by con-acre evidence of sub-letting).

MR. DUFFY said, he objected to the clause because it provided that con-acre should be treated as sub-letting. Con-acre, it was very well known, was only let for a few months in the year; and, therefore, could not be properly considered in the character of sub-letting. If this clause were passed, no man would be entitled to let con-acre but the landlord. He should, therefore, move that the words "by way of con-acre or otherwise," be omitted from the clause.

MR. NAPIER said, that the object of the clause was to discourage as much as possible the con-acre system in Ireland, which, it was generally admitted, had produced mischievous consequences. He, however, would have no objection to reconsider the clause with a view of meeting the objections that were urged against it.

Amendment *withdrawn*.

Clause *agreed to;* as were also Clauses 21 to 23.

Clause 24 (Subdivision by Will).

MR. M'MAHON said, by this clause if an occupier happened to die intestate, after taking a lease, the property was given in his land not to his children, but to some individual among his next of kin whom the landlord might nominate. He considered that a great and unparalleled innovation on the existing law of the land, and he should move an Amendment with the view of taking away that power of appointment from the landlord.

Amendment proposed, in p. 8, l. 10, to leave out the words "be void" to the end of the clause.

MR. NAPIER said, the object of the clause was to get at the proper assignee on the death of a lessee, so as to prevent any unnecessary subdivision of the land. He was, however, willing to reconsider it.

MR. KEOGH said, he was favourable to the Amendment, for he was opposed to the principle sought to be established in the part of the clause to which exception had been taken.

MR. SERJEANT SHEE contended that the Statute of Distributions would settle this matter in Ireland, as it did in any similar case in England, without the intervention of such a clause as this at all.

MR. MACARTNEY would suggest that the power of appointment given in the clause should only be conferred on the landlord in the event of a lessee dying without issue.

MR. LUCAS said, he must express a hope that the hon. and learned Member for Wexford (Mr. M'Mahon) would press his Amendment to a division.

SIR JOHN YOUNG said, he must urge upon the Committee the expediency of agreeing to the clause, after the assurance given by the right hon. and learned Gentleman (Mr. Napier) that he would reconsider the matter with a view to amend the clause, if necessary, at a future stage of the Bill.

MR. DUNLOP said, according to the law of Scotland, the lease, in such a case as was contemplated in the clause, would descend to the eldest son as the heir-at-law of the lessee, and if there was no son, then it would go to his daughters, if there were any, jointly. A landlord in Scotland had no such power of appointment as was given by this clause; and he (Mr. Dunlop) was strongly opposed to the introduction of such a principle into the relationship between landlord and tenant.

MR. NAPIER said, he would either consent to take the eldest son, or defer the consideration of the clause.

MR. M'MAHON said, he should certainly divide the Committee, because he considered the clause was unnecessary and unparalleled, unless the right hon. and learned Gentleman (Mr. Napier) consented to withdraw it, with a view to its reconsideration.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 63; Noes 48: Majority 15.

On the question that the Clause stand part of the Bill,

MR. MAGUIRE said, he should divide the Committee on that clause generally, unless he received a pledge that it would be reconsidered before the third reading, so as to meet the objections which had been urged against its hardships.

SIR JOHN YOUNG said, he would urge upon the right hon. and learned Gentleman (Mr. Napier) the propriety of reconsidering the clause, as a great many Members, he believed, had voted for the clause with that understanding.

MR. NAPIER said, he was most anxious to make the Bill as perfect as possible. He had certainly offered to reconsider the clause, upon the understanding that there would be no division upon it. Although then, he thought that those who supported the Amendment had no right to ask him to reconsider the clause, he would, nevertheless, consent to do so.

Clause *agreed to.*

Clauses 25 to 31 *agreed to.*

Clause 32.

SIR DENHAM NORREYS said, he wished to propose the omission from the clause of the following words: "Under any lease or grant made after the 1st day of January, 1854;" his object being to make the clause retrospective as well as prospective.

MR. NAPIER said, he could not consent to the Amendment. The clause as it stood settled the question as to mines and wastes from a given day. It would, however, raise many difficulties to make the clause retrospective.

MR. MACARTNEY thought that if the Amendment were agreed to, it would have the effect of unsettling all the property in the country.

MR. WHITESIDE said, what the hon. Baronet (Sir D. Norreys) appeared to desire would have the effect of confiscation.

MR. V. SCULLY said, anxious as he was to secure the interest of the tenant, he could not consent to hand over to him the landlord's property in mines and royalties. He was cognisant of cases in which land leased for lives renewable for ever had been sold for thirty or forty years' purchase more than it would have done in consequence of the existence of mines.

MR. CONOLLY said, he must maintain that the clause amounted to a sentence of confiscation against the property of landlords in mines.

MR. E. BALL hoped the clause would be amended as suggested by the hon. Baronet the Member for Mallow (Sir D. Norreys) and further, that it would reserve all royalties and rights to the landlord in cases where those rights had been exercised.

SIR D. NORREYS said, he must deny that the Amendment would, as alleged, amount to a confiscation. It gave the fullest power to tenants over the lands they occupied, except in those cases where reservations had been made.

Amendment *withdrawn*, and Clause *agreed to*.

House resumed; Committee report progress.

RUSSIA AND THE PORTE—NAVIGATION OF THE DANUBE.

MR. LIDDELL said, as a number of vessels belonging to this country were at present detained in the Danube owing to the interruption of the navigation, he wished to put the two questions of which he had given notice—whether any instructions have been sent out by Her Majesty's Government to inquire into the case of British vessels at present detained in the Danube owing to the imperfect state of the navigation of that river; and whether, in the event of hostilities with Russia before such ships can be liberated, a sufficient force will be sent out to that part to prevent their falling into the hands of hostile Powers?

VISCOUNT PALMERSTON: Sir, the recent obstruction of the navigation of the Sulina mouth of the Danube has been greatly increased owing to accidental circumstances of weather. The river has overflowed its banks and spread over a wider surface, which has had the effect of diminishing the force of the current and increasing the deposit of mud at the bar. The particular inconvenience to which the hon. Member alludes is temporary, and no doubt when the cause ceases the inconvenience will also cease. But I am bound to say, for a great many years past, Her Majesty's Government have had great reason to complain of the neglect of the Government of Russia to perform those duties which belong to it as the possessor of the territory where the delta of the Danube is situate, to clear and maintain clear that particular branch. It was my duty, when Secretary of State for Foreign Affairs, to make frequent representations to the Russian Government upon this matter, and they always admitted it was their duty to do so. They admitted that which we assert, that as they had thought fit by the treaty of Adrianople to possess themselves of the mouths of the Danube—the great watercourse, the great highway of nations, leading to the centre of Germany—it was their duty to see that it was always maintained free and accessible, according to the terms of the Treaty of Vienna. The Government of Russia did not dispute that obligation, but asserted they were always employed in using means for remedying this inconvenience. The grievance is this: that while the mouths of the Danube formed part of the Turkish territory the depth of water was sixteen feet over the bar, it is now, by the neglect of the Russian authorities, decreased to eleven feet; and even that eleven feet is reduced to so narrow a channel in consequence of obstructions on each side—from the quantity of vessels being wrecked and allowed to remain there, forming sandbanks and obstructions—that it is very difficult for ships to pass out, except in very calm weather, and with a very skilful pilot. There were local interests of which we were cognisant, to thwart what we are bound to believe were the intentions of the Russian Government—the rivalship on the part of Odessa, which leads very likely to a desire to obstruct the exports of commerce by the Danube, to increase the exports of Odessa, and also that little local interest which arises from the profits which bargemen and lightermen make in unloading vessels which come down the Danube, and loading them afterwards when they are outside the bar. These local feelings and interests certainly must have been allowed to obstruct, without, probably, their being aware of it, the good intentions of the Russian Government, for they promised to take all effectual means, and said they would send a steam dredge to clear all obstructions at the bar. That steam dredge came; that steam dredge in two hours was put out of gear from some accident or other, and that steam dredge had to go back to Odessa for repair. We recommended that the Russian Government should pursue the method by which the Turkish Government kept the channel clear. That method was a very simple one: to require every vessel that went out to drag astern a good iron rake. It kept the channel clear, and the depth of sixteen feet was constantly kept up. I understand that, in addition to the representations which it was my duty to make when in the Foreign Office, constant complaints and representations have been made to the Russian Government; and I hope that Government will at last break through the trammels which hitherto seem to have impeded its proper action, and see that it is a positive duty which it owes to Europe to maintain free that passage, which it obtained by force of arms, and which they believe themselves justified in retaining by the treaty of Adrianople.

Mr. LIDDELL hoped the noble Lord would give an answer to the second part of the question—whether, in the event of hostilities, a sufficient force would be sent to prevent British ships falling into the hands of hostile Powers?

Viscount PALMERSTON: I apprehend the question of the hon. Gentleman relates to vessels now confined within the Danube and within the Russian territory for want of water to get out. I think he will see, if by any misfortune, which I cannot at present anticipate, war should arise between this country and Russia, British ships of war cannot get them out without the water.

REMOVAL OF SMITHFIELD MARKET.

Sir BENJAMIN HALL said, he wished to put a question to the noble Lord the Secretary of State for the Home Department, with reference to the Act of 1851, for the removal of Smithfield Market, and the establishment of another market for the metropolis. Great opposition was given to the progress of that Bill by the Corporation of the City of London. They declined to have anything to do with it; but nevertheless a clause was inserted allowing them, within a certain number of months, to give notice of their intention to undertake the management of the new market. A few hours previous to the expiration of the limited time, they made their election to shut up Smithfield and establish a new market. A plan was submitted, he understood, by the Corporation to the right hon. Member for Midhurst (Mr. Walpole), the then Secretary of State, and he approved of the site proposed, with the exception that the area was not sufficiently extensive. As far as he recollected, the area was fifty acres, and in consequence of the representations of the right hon. Gentleman it was extended to seventy acres. There was a plan now to let out a large portion of ground on building leases, for buildings having no connexion with the market; and he wished to know whether there had been any communication with his noble Friend by the Corporation since he had been in office in relation to this market, and whether any plan of the buildings or any views of the Corporation had been made known to him with reference to the amount of area which they proposed to adopt and use for the purposes of the market?

Viscount PALMERSTON said, no communication on the subject had been made to him since he had held his present office. The Act to which his hon. Friend referred gave but one power to the Secretary of State—the power to sanction or refuse his sanction to the site proposed for the new market; but having once sanctioned that site, no further power of interference was reserved in the hands of the Secretary of State; and the Act moreover did give to the Corporation of London a power that if the land purchase should appear to be greater than the amount required for their purpose, they might dispose of a portion of that land. His functions of Secretary of State did not extend to the length of regulating the arrangements which the Corporation had power to make.

SUCCESSION DUTY BILL.

Order for Committee read.

House in Committee.

Clause 46 (Legal proceeding to be taken if returns are not made).

Mr. HENLEY said, he objected to the clause as too stringent.

The CHANCELLOR of the EXCHEQUER said, he must explain that it was meant that the powers given in Clause 45, should take effect through the provisions of Clause 46, and those provisions were conceived in a spirit favourable to the taxpayers.

The SOLICITOR GENERAL said, the clause prevented, and did not cause, vexation. It was less severe than the usual process by the Attorney General for recovering in the Court of Exchequer in all Crown cases.

Mr. HENLEY would suggest that a writ of summons to show cause should precede the issue of the writ.

The SOLICITOR GENERAL said, he did not object to that.

MR. G. BUTT said, the last part of the clause was more stringent than the first, and he begged to suggest giving the Court power to extend the time for returning the account in cases requiring it.

The SOLICITOR GENERAL said, he would also accept this suggestion, and proposed words in accordance with it, which were agreed to.

Clause *agreed to;* as was also Clause 47.

Clause 48 (Power of Commissioners to compel production of Books and Documents, and to inspect Public Books without payment of any fee).

MR. WALPOLE would suggest the necessity of a definition of the "accountable parties" to whom this provision applied.

The CHANCELLOR OF THE EXCHEQUER said, he had no objection to insert an Amendment to carry out the right hon. Gentleman's suggestions.

Amendment proposed—

> "In page 15, line 41, to leave out from the beginning of the Clause to the words 'may make,' in page 16, line 4, in order to insert the words 'every person who, under the provisions of the Act, may deliver any account or estimate of the property comprised in any succession shall, if required by the Commissioners, produce before them or their officers such Books and Documents in the custody or control of such person, so far as the same relate to such account or estimate, as may be capable of affording any necessary information for the purpose of ascertaining such property and the Duty payable thereon, and the Commissioners,' instead thereof."

MR. MULLINGS said, he would propose as an Amendment, to insert the words "except title deeds and muniments, and evidences of title." He conceived that his Amendment ought to be adopted, for otherwise any person would run the risk of losing his estate by the disclosure of some defective title. The clause, as it stood, created a most inquisitorial and improper power, entirely opposed to the spirit of our law, for a court of law would not, as between contending parties, compel the production of title deeds, unless a clear case of interest in them was shown on the part of the person requiring their production. Moreover, he believed it to be unnecessary to call for the title deeds for the purposes of this Bill, for they would not disclose the desired particulars of the property, and he attached but little value to the provision that "all such information shall be deemed confidential."

The CHANCELLOR OF THE EXCHEQUER said, that it was absolutely necessary that the Commissioners should have the power proposed to be given them in the clause, in order to ascertain the amount of tax to be levied, and to be sure of the proper parties on whom to levy it. The words of the Amendment were very wide, and he was advised that under them the Commissioners would not even be able to call for and inspect the rentals of estates. To the argument that a court of law would not compel the production of title deeds unless the party requiring them showed a distinct interest in them, he replied, that the very ground on which it was proposed to give the Commissioners power to inspect title deeds was, that the Bill created on their part an interest in the property; and one object of the clause was to enable the Commissioners to obtain the particulars of the several interests in land in order to levy the proper duty. The hon. Gentleman appeared to attach no value to the provision as to the confidential character of the information required; but he believed that public officers would feel bound by that obligation; and with respect to confidential investigations made under the Income Tax Act by the Special Commissioners, he might observe, that not a single statement had reached him to the effect that that confidence had ever been betrayed.

SIR GEORGE STRICKLAND said, he thought the proposal made by the Government one of a dangerous character, and he should, therefore, support the Amendment. Under the clause, as it stood, any person would be compelled to disclose his title deeds, and might be dragged, in consequence, into that greatest of all evils, a Chancery suit, and ruined, perhaps, before he got out again. He recollected that one of the principal arguments against an Act for the registration of deeds was, that it would have the effect of publishing to the world people's title deeds, and that the result would be, that every attorney who desired a job would have the opportunity of picking holes in the title of any gentleman to his estate, and of dragging him into a court of law; and now the Government, in order to obtain a miserable amount of revenue, were going to endanger the possession of every man's landed property in the country; if it did not endanger the possession of it, it would at least drag it into the Court of Chancery, where he might be ruined by some twenty years' litigation. Unless, therefore, he heard stronger arguments than those urged by the right hon. Gentleman, he should feel it his duty to support the Amendment of the hon. Gentleman opposite (Mr. Mullings).

Mr. G. BUTT said, he would prefer that the Amendment of his hon. Friend should be confined to title deeds and muniments, leaving out evidences of title. They, at least, were not wanted, and, therefore, ought not to be produced.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman who proposed the Amendment had made no answer to what he (the Chancellor of the Exchequer) had stated to be the main ground and reason of access being required to such documents as these—namely, the diversity of interests in property. It was proposed now, as he understood, to exclude from inspection all settlements; but the hon. Gentleman who had spoken had not shown how it would be possible for the Government to deal with the interests of persons under settlements unless those settlements were produced. If they got rid of the consanguinity scale, and levied a uniform rate on all successions, then the question would be very much simplified; but he had not been able to discover any means, if such a scale were adopted, of dispensing with access to these documents. If the objection were the supposed arbitrary interference of the inspecting officer, he (the Chancellor of the Exchequer) would consent to a power of appeal being given to a superior authority, such as a Judge at chambers, without whose order no person should be compelled to produce his deeds. But the question now raised was, whether the parties were to have an absolute right to withhold their titles.

Mr. DRUMMOND said, the right hon. Gentleman, under the term "documents," meant two things totally distinct—namely, title deeds, which ought not to be produced, and settlements, the production of which he agreed with the right hon. Gentleman was necessary. There was no reason why they should not make it perfectly clear by having two distinct clauses. It would not do to tell hon. Members there was no danger in producing title deeds. The Report of their own Commission said, that for 150 years they had been trying to carry out a system of registration; but it had been effectually opposed by the uniform opinion of every solicitor in the kingdom that there would be danger to property if title deeds were exposed.

Mr. MALINS said, he could not conceive a more dangerous power than that proposed to be given by this clause. It was another illustration of the extreme power which the Government wished to assume over the property of every man in the kingdom. Hitherto it had been the right of every man to have the power of locking up his own title deeds, but now the Government proposed to deprive him of that power, and to allow any man to say to another, "Let me see the title deeds under which you claim, and your settlements." The hon. Member for West Surrey (Mr. Drummond) was in error in supposing that settlements were not title deeds, for in many cases a settlement was often the only muniment of title. To get at the value of a man's property it would be quite sufficient to make him produce his rental. It might turn out, on the inspection of a title, that the party was not entitled; and how could any one say that some officer might not commit a breach of confidence, and cause the greatest inconvenience? If the tax could not be collected without the possession of such a power, it might be conceded, but no necessity for such a power had been shown. There could be no difficulty in ascertaining the degree of relationship or the nature of the property. It might be said, "You are bound in the case of other property to produce a will;" but a will was a registered document. The Chancellor of the Exchequer was now proposing, for the first time, to make an inroad on that sacred principle of English law, that a man's title ought not to be investigated by those having an adverse right. Without a shadow of justification, the right hon. Gentleman proposed to declare that a man's title deed was no longer his own property, and that a revenue officer would be entitled to inspect it. In the case of the income tax, from which so vast an amount of revenue was obtained, no such power was required, and yet for this tax, from which the right hon. Gentleman admitted that he expected only 460,000*l.*, such a power was proposed to be given without any necessity for it.

The CHANCELLOR of the EXCHEQUER said, the argument of the hon. and learned Gentleman with respect to the income tax was inapplicable to the present case. In the case of the income tax there was a uniform rate levied. Did the hon. and learned Gentleman wish a uniform rate to be levied in the present case? If so, the land, instead of paying 1 per cent, would have to pay 3 or 4 per cent, and great difficulties would arise. Again, did the hon. and learned Gentleman wish the tax to be levied on the gross income, irrespective of repairs? [Mr. Malins: On the rental.] The hon. and learned Gentleman had assumed that he (the Chancellor of the Exchequer) was claiming an uncontrolled power over these documents, when he had stated directly the contrary. He had said that he should not object to the power of calling for these documents being controlled by a superior authority, as a Judge at chambers, and yet the hon. and learned Gentleman had after that twice said that Government claimed an uncontrolled inspection of the documents by a revenue officer. The hon. and learned Gentleman had also said that he (the Chancellor of the Exchequer) had calculated upon getting only 460,000*l.* from this tax. He never said any such thing; he said distinctly the contrary. What he said was, that at first he did not expect to get more from land itself, but that ultimately it would be much more from the tax on moneys payable out of land. After considering this subject, the Government believed that access to these documents was in some way necessary; and certainly the hon. and learned Member for Wallingford had not in what he had said helped them out of the difficulty. He wanted to know how it was possible, without documents, to deal with a case of diversity of interest created under a settlement, and at different rates of tax on those different interests. The only real answer that could be given to the proposition was this—charge a man in full, and leave him to show in what respect he ought to be exonerated. He considered it would be impossible to ascertain the charge on the property without an inspection.

Mr. CAIRNS said, the object in view was not to check the account of the property, or find out the tax to be paid, but whether some one else ought to pay it. By the clause the production of the documents had reference only to "such" account as the party handed in. It would not, therefore, enable them to compel the production of the title in the only case wherein the right hon. Gentleman said it would be necessary.

The SOLICITOR GENERAL said, the Amendment of the hon. Gentleman (Mr. Mullings) was calculated to mislead the Committee, and would produce a result more oppressive, more onerous, and more mischievous than if the clause were allowed to remain as it was. The way in which the production of a deed would be required from a party delivering an account, would be this. The account would be delivered, in all probability, with certain deductions. One deduction might be in respect of a jointure, and another in respect of a portion. Now, unless a power should be given to call for deeds to ascertain these matters, there would be an appeal to a Court of Justice to verify the account. The title deeds, in the sense alluded to, could never be inquired into. All that would be required was the document creating the interest. The production of the deeds showing the title and evidencing the manner in which the property was transmitted, would never be required. It would be necessary to ascertain, not only the relation of the successor, but his interest, and that interest would be apparent on the production of one deed alone. The law stood thus: that whosoever had an interest in the estate had also an interest in the title deeds. The purchaser of part of an estate had a right to examine the deeds. Now, if the Government and the public had a charge on the estate in respect of duty, they would have a direct interest in the title-deeds of that estate; and if they resisted that modified and guarded examination of documents provided by the Bill, they would subject themselves to a more onerous and rigorous and oppressive examination in a Court of Justice. He thought it desirable that the production of deeds and settlements should be guarded by the interposition of some judicial discretion, and had no objection to annex a proviso to this effect:—

> "Provided always, that no title deeds, muniments, or evidence of title of real estate, shall be required to be produced, unless, on application by the Commissioners to a Judge of the Court of Exchequer in England, Scotland, or Ireland, sitting in chambers, such Judge shall think proper to make an order for the production thereof, or of such parts thereof as shall be necessary; and the same shall in that case be inspected by such person, in such manner and under such restrictions, as such Judge shall think fit to direct."

That proviso would go a great way to meet the objection which had been raised, and he could not consent to give any greater limitation to the necessity and the right of inspection.

Mr. BARROW said, the Government would have ample security as to the different rates to be charged, because the property could never be disposed of without the production of a receipt for the full payment of the duty in respect of the person charged.

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived.*

Amendment proposed to the proposed Amendment, after the word "documents," to insert the words "except title deeds and muniments, and evidences of the title."

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 72; Noes 78: Majority 6.

SIR WILLIAM JOLLIFFE said, he regretted the result of the division which had just taken place. He had himself inspected a great number of title deeds and settlements, but he never consulted one in which there was not some mistake or omission. If title deeds were to be arbitrarily inspected by Government offices in the way proposed, the old saying, that the best thing that could happen to a man would be, to have his title deeds burnt, would come true indeed. He was quite sure that the clause if passed in its present shape, would involve the land in an immense amount of litigation, without adding one shilling more to the revenue. He would move an Amendment, limiting the clause to documents of the nature of leases, plans, court, and rent rolls.

MR. BUCK seconded the Amendment. He said, he considered the clause as one of the most unjust and iniquitous which it had ever been his lot to read. The Chancellor of the Exchequer might be able to pass his Bill by majorities of five and six; but he might depend upon it, that the question would excite such an agitation in the country—create such a chaos of discontent—as would perhaps, shake the foundations of the monarchy, and destroy the established institutions of the land.

Amendment proposed to the proposed Amendment, after the word "documents," to insert the words, "only as are of the nature of leases, plans, court, and rent rolls."

COLONEL SIBTHORP said, he had listened with great satisfaction to the remarks of the hon. Gentleman who had just sat down. The fact was this, it was a combination of the Manchester school and Her Majesty's Government for undermining the land. But he begged to tell the Chancellor of the Exchequer that those who now professed to be his friends, were in reality his enemies, and would be the first to turn round and undermine him.

COLONEL DUNNE said, he was not surprised at the course taken by the Chancellor of the Exchequer, and hon. Gentlemen opposite, for their object avowedly was to undermine the landed interests; but it was worthy of remark, that the only Gentleman connected with the land who had spoken from the Ministerial benches had denounced the clause, and had voted against it.

VISCOUNT GALWAY said, he must remind the right hon. Gentleman the Chancellor of the Exchequer, that he had in that House denounced the income tax as a most inquisitorial measure, and yet he was now urging forward one which was far more inquisitorial. It was very well for him (the Chancellor of the Exchequer) to come down to that House with a majority at his back, and force these measures. He (Viscount Galway hoped that when this Bill was brought forward in another place, the consideration of the small majorities by which it had passed that House, would lead to a doubt as to whether this measure ought to be inflicted upon this country. He had received a letter from a Whig constituent, who said that this extending the legacy duty to land was the most unfair thing ever done.

MR. W. WILLIAMS said, that the clause required nothing to be done beyond what was already authorised under the present Legacy Duty Act. The Commissioners for collecting the legacy duty were empowered to call for all papers and documents they pleased; and although it was true that the legacy duty did not affect land, he saw no reason why that description of property should be placed on a different footing from other kinds. This tax had been called a robbery; but he thought that term was more applicable to the present legacy duty. It was monstrous for noble Lords and hon. Gentlemen opposite to impose a tax upon legacies given to the meanest of their labourers and domestic servants of twenty times the amount which they imposed on themselves. He was delighted that the Chancellor of the Exchequer had in this and in other respects adhered to the integrity of his proposition; and he should support the clause as it stood.

MR. NEWDEGATE said, he should vote for the Amendment, the whole of the arguments on the other side amounting to this—that because personal property suffered an injustice, therefore real property should do so likewise. If real property were to be taxed, let it be taken under Schedule A, instead of endangering all title to property, as these proceedings inevitably would do. If the Bill passed in its present form, it would lead to so much litigation as utterly to annul all the saving in the public expenditure which had been effected by the recent law reforms. If the State stood in need of money, he, for one, should be found ready to vote that money by the imposition of a direct property tax. What he complained of was, not the amount of the proposed tax, but the inquisitorial nature of the measure by which it was to be imposed, and the effect which it would be likely to have in undermining the titles of the owners of real property to their estates.

Mr. HENLEY said, he thought the Government ought to take into their consideration that under the operation of the clause before the Committee no parties whose deeds of settlement were in the hands of mortgagees would be in the slightest degree affected by its enactments. Such being the case, it was scarcely fair to compel those parties whose deeds happened to be in their own hands to submit to the production. This, he thought, was worthy of the consideration of the Government, and should induce them to reconsider the question as to the evidence of title. It was a great annoyance to the owners of real property to be compelled to produce their deeds, and he asked if the means of collecting the revenue provided under the other clauses of the Bill were not already ample? He would entreat the Government to reconsider the question. He could see no reason why the provision should be insisted upon; but he was convinced that the plan, if carried out, would occasion an immense amount of ill feeling, for there were many persons who, from some motive or another, which it was unnecessary to analyse, had the strongest possible objection to produce their title deeds.

The CHANCELLOR of the EXCHEQUER said, he could not admit that the production of deeds, as proposed under this clause, would inflict very serious hardship upon the owners of real property. They were to be produced only upon the authority of a Judge, and subject to the application of a Commissioner, who would be bound by the most solemn obligations to preserve the strictest secrecy with respect to them. The production of these documents, under such circumstances, could by no means, therefore, be considered as analogous to their production in the case of a dispute as to the right to an estate between conflicting parties. With respect to the argument of the right hon. Gentleman who had just sat down, that the clause would have no effect so far as deeds placed in the hands of a mortgagee were concerned, he (the Chancellor of the Exchequer) would observe that the fact that the Bill might prove inadequate to meet all cases whatsoever, could constitute no valid objection to its enactment. In the case of title deeds it might be perfectly true that the operation of the Bill would not extend to their production if placed in the hands of mortgagees; but it must be remembered that the necessity for access to the title deeds would be comparatively very rare. That to which there would be a necessity of access was to settlements actually in force, and he did not believe that they were ordinarily in the hands of mortgagees. Mortgagees might have authenticated copies of them, but it was the duty of the trustee to have possession of them. [*Cries of* "No, no!"] Well, that was his notion of the subject; and, at all events, the Government looked to the trustee, who was the person responsible for the settlement. The Government had freely and willingly made this concession—that there should be no question at all about the production of these documents without need proved in each case. He would impress upon the Committee, in conclusion, the force of the argument that the documents in question could only be produced upon application to a Judge, and when that Judge had ordered their production as necessary.

Sir FITZROY KELLY said, if the Bill could be well or practically carried into effect without the power now demanded, he could only say that this was additional reason why they should still continue to resist the further progress of the measure. The powers proposed to be taken by this clause had never yet been conceded to any Government except in criminal cases, and to apply them in this instance would be most unjust. The Chancellor of the Exchequer told them that the deeds were not to be produced unless a Judge should make an order to that effect; but was the right hon. Gentleman aware of the expense parties would be put to in resisting such an order? They would have to employ an attorney, and retain counsel. There must be a common law counsel who must be assisted by a conveyancer; and a vast amount of machinery must be set in motion when they wished to resist the curiosity of the Commissioners to inspect the title deeds, and the end would be that they would have to embark in a course of litigation which no man ought to be subject to. Nor, even after all this expense and trouble had been gone to, could the order of the Judge be successfully resisted, because no Judge would refuse to make an order when the Commissioners stated that the production of the documents was necessary for the ends of public justice. The proviso, therefore, about the order of the Judge was useless, while it was perfectly idle to talk about obligations of secrecy when the contents of the deeds would be disclosed to the attorney's clerk engaged in each case. If there was no other ground, that would be sufficient to reject the clause, and he hoped the Committee would do so accordingly.

The EARL of MARCH said, the right hon. Chancellor of the Exchequer had not answered the objection which had been raised to the production of deeds in the possession of mortgagees.

The CHANCELLOR OF THE EXCHEQUER said, he thought he had already answered the question. As a general rule, they did not propose to touch such deeds, being able to obtain, as he believed, every information that was required without any reference to them whatever.

MR. HILDYARD said, he rose to deny the allegations that had been made on the other side, that he and his friends were consulting the interests of the great landowners. He believed in his conscience that the people who would be most oppressed by this Bill would be the small landowners, and on this point he would appeal to the right hon. Baronet the First Lord of the Admiralty, and ask him what the operation of this Bill would be among the small landowners in the county with which he was connected? The great landowners always employed men of the first respectability, in whose hands title deeds would be safe; but the small landowners went to what were generally called the hedge lawyers of the district, and it was his firm opinion that there were many such persons in whose hands title deeds would not be safe. He could tell those hon. Gentlemen who professed to represent the interests of the great masses of the people, that so far as he had watched their movements it appeared to him that there was no class of men who were greater enemies to the mass of the population than they were.

MR. GROGAN said, he must complain of the extension of the clause to Ireland. For nearly one hundred and fifty years there had been a species of registration of deeds in that country, and those documents were enrolled in a public office. There could, therefore, be no necessity whatever for extending that provision to Ireland.

The CHANCELLOR of the EXCHEQUER said, that if all the desired information was to be found registered in Ireland, the Judge would, of course, never call for the production of the title deeds.

MR. GROGAN said, that before the Judge could give his decision, the owner of the property might be put to considerable expense.

MR. DUNLOP said, that in Scotland all property was registered, but he did not entertain the same apprehension as the hon. Gentleman (Mr. Grogan), for he felt quite convinced, that when full information could thus be procured, no Judge would make an order for the production of titles and documents. It seemed strange to him that the landed interest of England should consider their stability jeopardised by access to their title deeds being given to an appointed functionary. In Scotland every man's title deeds were registered, and were accessible to any human being, and yet he did not believe the stability of the landed interest in that country to be in at all a more dangerous position than in this. It had been stated that a great number of the title deeds to property in this country were in the hands of mortgagees, and he could not understand how it was that persons did not object to placing their title deeds in the hands of a mortgagee, and yet felt repugnance to exhibit them to an officer under the sanction of a Judge. So far from the measure being injurious to the landed interest, he believed that their stability would be increased by it.

SIR WILLIAM JOLLIFFE said, he could assure the hon. Member who had just sat down, that he entertained a deep conviction that the measure was attended with danger to the landed interest. It was of the greatest importance, in his opinion, not to insist on the production of all the documents, for he knew, and the right hon. Gentleman the First Lord of the Admiralty knew it as well as any man, that if a settlement were made upon property, a slight error or omission in the deed might be the cause of a person losing part or the whole of that property; and he hoped that the Committee would assent to his proposition.

SIR CHARLES BURRELL said, that the provision would impose new difficulties on trustees, and would be calculated to prevent gentlemen altogether from accepting the duties of that office.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 86; Noes 97: Majority 11.

MR. WALPOLE said, he now rose to object to that part of the clause which allowed the officers to take extracts and copies of the title deeds. Suppose a commissioner were to do so, and to have them in his possession when he died, they would then become the property of his executors or administrators. He considered that the power given by the present clause was a power which ought not to be bestowed upon any body of men, except under the severest and most stringent penalties. He should propose to amend the clause, by striking out the words "and they make such extracts therefrom and copies thereof as they shall think necessary for the purposes of this Act."

The CHANCELLOR OF THE EXCHEQUER: I do not think there is any absolute necessity for these words, and I have no objection to their being struck out.

MR. KER SEYMER said, he must complain that penalties were imposed on gentlemen if they did not comply with the demands of the inspectors, but that there was no penalty upon the inspectors if they violated the secrecy that was enjoined on them with regard to the documents they inspected. He would propose that a penalty of 100*l.* should be inserted in the clause, in the case of any such disclosure by the commissioners or their officers.

The CHANCELLOR OF THE EXCHEQUER said, he did not differ from the hon. Gentleman on the principle of his Amendment. He doubted, indeed, if the penalty were high enough; but he demurred to a principle of so much novelty being introduced into their mode of dealing with public servants. They now acted upon the principle that for any misconduct public servants were liable to dismission. They now held their offices during pleasure. He feared that if they were to enact penalties for malversation, or even for negligence, it might act in a way very different from what they anticipated. There was his own office, for instance—he might commit misdeeds to which no sufficient penalty could be attached, and for which a penalty would not be the proper punishment. He should wish further time for examination before he agreed to the Amendment; but he agreed in the principle of the hon. Member.

MR. HENLEY said, there was a power given with regard to the Commissioners who assessed the income tax, under which any person who objected to a statement of his circumstances before the local functionaries, might go to certain officers of high standing at Somerset House, who were sworn to secrecy, in order to make that statement. He thought it would be a great security to the public, and that it would have a tendency to get rid of some of the ill feeling which this clause, in his opinion, was calculated to engender, if a similar power was given under this Bill to that he had mentioned, and if persons were allowed, if they thought fit, to produce a deed and document only to some authorised persons at Somerset House instead of the local commissioners.

The CHANCELLOR OF THE EXCHEQUER said, he had no hesitation in saying that it was not desirable for local officers to have compulsory powers of inspecting title deeds, and that, where parties wished it, he would have no objection to allow them to produce their deeds before the Commissioners at Somerset House. There might be some difficulty in the mode of doing so; but he agreed in the principle, and he would take the subject into his consideration.

Question—

"That the words 'every person who, under the provisions of the Act, may deliver any account or estimate of the property comprised in any succession shall, if required by the Commissioners, produce before them or their officers such Books and Documents in the custody or control of such person, so far as the same relate to such account or estimate, as may be capable of affording any necessary information for the purpose of ascertaining such property and the Duty payable thereon, and the Commissioners,' be there inserted."

Put, and *agreed to.*

On the Question, "That the Clause, as amended, stand part of the Bill,"

SIR JOHN PAKINGTON said, that although the right hon. Gentleman the Chancellor of the Exchequer had shown a disposition to modify the harsher portions of the clause, it seemed to him that even in its amended form it would give such tyrannical and inquisitorial powers that the Committee ought not to assent to its enactment. The clause was tyrannical and inquisitorial in the extreme; and if the tax could only be levied by giving such inquisitorial powers, it was an argument against the tax itself. The powers given by this clause were inconsistent with our institutions, and inconsistent with our national habits and our national character, and so inquisitorial and objectionable in their character that they formed an argument against a Bill which could only be carried out by such means. With these strong feelings on the subject, he should feel it his duty to divide the Committee against this clause standing part of the Bill.

Question put.

The Committee *divided:*—Ayes 101; Noes 94: Majority 7.

Clause *agreed to.*

Clause 49.

MR. W. LOCKHART said, he would beg to suggest that power of appeal should be granted to the local commissioners, or to the Judges of the County Court.

The CHANCELLOR OF THE EXCHEQUER said, it was the object of the Government to provide the best and cheapest mode of appeal possible. With respect to the local commissioners, however, he much doubted whether that mode of appeal would be satisfactory; and, besides that, the local commissioners met very seldom. He did not wish to join the operation of this Act with that of the income tax, and therefore would not give the appeal to the commissioners for the collection of that tax. Indeed, it would be better to give the appeal to the Judges of the County Court, to which he would not object if the hon. Member wished it, though he thought it would increase the expense of the proceedings.

SIR FITZROY KELLY said, he observed with great satisfaction the spirit in which the suggestion was met, and would propose that the Judge of the County Court should be allowed to send up the case to the Court of Exchequer in cases of difficulty. The objection to the appeal being made to that Court in the first instance was the expense.

The SOLICITOR GENERAL said, he would assent, on the part of the Government, to this suggestion. His impression, however, was, that the expense of appealing to the Judge of a County Court would, in many cases, be greater than that of making application to a Judge of the Court of Exchequer sitting in chambers.

MR. DISRAELI said, he would recommend that the appeal to the Judge of the County Court should be made an absolute appeal, as, if a double appeal were allowed, all the business would be brought into one of the principal courts in the metropolis.

Clause *agreed to;* as were also Clauses 50 and 51.

Clause 52 *struck out.*

Clause 53 *agreed to.*

Clause 54 *struck out.*

Clause 55 (Commencement of Act).

MR. DRUMMOND said, that he had at a previous stage of the Bill inquired whether the tax was to be of universal application, and whether it was to be charged on succession to the estates of the Duchies of Lancaster and Cornwall. The right hon. Gentleman had promised to give an answer when they got to the end of the Bill; and as they had now arrived at the last clause, perhaps he would explain whether it was to apply to those properties or not?

The CHANCELLOR OF THE EXCHEQUER said, he was afraid the hon. Gentleman was not quite right in supposing the Committee had come to the conclusion of the Bill. There were other hon. Members who had Amendments yet to propose.

MR. MULLINGS said, he wished to move to omit the two last lines, in order to insert the words "that the Bill come into operation on the day of the passing thereof."

The CHANCELLOR OF THE EXCHEQUER said, he could not consent to the Amendment. The question was one of finance, and it was the usual principle in laying on new taxes to make the tax come into operation from the day of the passing of the Resolution in Committee. In some cases, as in that of the income tax, they had gone further, and made the tax apply retrospectively, beyond the period of the passing of the Resolution. The Amendment would deprive him of two or three months of the proceeds of the tax, which he could not consent to.

MR. DISRAELI said, he thought they ought to follow the precedent of former taxes, and would therefore urge his hon. Friend not to press the Amendment.

MR. LABOUCHERE said, he was also anxious that precedent should be followed, but he had some notion that the usual course was not to charge the tax in all cases from a date previous to that of the passing of the Bill.

The CHANCELLOR OF THE EXCHEQUER said, he had not stated that that was the rule in all cases; on the contrary, he believed in the case of the Customs duties a different rule had been adopted; and in the case of the income tax, as he had said, the tax was made to apply from the 5th of April, whereas the Resolution had not passed until May.

VISCOUNT GALWAY said, he thought this Act should not continue beyond the period fixed for the expiration of the income tax, and he would therefore move that the Act should continue in force for five years only.

MR. WALPOLE said, that if he was right as to his view of the operation of this tax, it would be found so annoying and vexatious that the complaints against it would be loud and universal. He believed that the right hon. Gentleman the Chancellor of the Exchequer would find in the course of five or six years that this tax would cause so much vexation and unpleasantness that the people would not bear it. They were passing this Bill nominally on the plea of putting landed property upon the same footing as personal property with reference to the duty on bequests or successions. They had passed the Bill as to real property, and as long as they maintained the present law as to the tax upon legacies, so long would he uphold the Government in placing a duty on land inherited by succession or demise. But while they subjected real property to one duty and personal property to another, they were doing that which was altogether a distinct thing—for they were taxing not the property of people dying, and which passed from them to others by death, but they were taxing property whether personalty or realty, which was settled and disposed of by persons in their lifetime, with the intention that the settlement which was thus subjected to this tax should go free to those who succeeded them. The two classes of cases were essentially different—but he would not go over that ground again. They had had examples of the extraordinary difficulty the Government would have in trying to enforce the tax. The clause they had just passed was a proof of that. If they applied the tax for a long period of years, all the small owners of property, whether real or personal, would be put to great inconvenience in having to pay the tax by a series of half-yearly payments extending over five years, or they would be put to great expense in employing professional persons to carry it out. It would be necessary to examine into books, documents, and accounts, and overhaul ancient and modern title deeds, wills, and other muniments, to ascertain how, and where, and when the tax applied. To do this for a long series of years in respect to real and personal property, would involve an immense inconvenience to all parties. He did not wish to raise a controversy upon the present occasion; but, looking at the difficulty that must ensue, and seeing but very little of opinion in favour of the tax, not only in the country and amongst the numerous persons he had conversed with upon the subject, but even in the House of Commons—and feeling as he did, from what he had heard, that there were many Members who had voted for clause after clause in the Committee because they did not desire to deprive the Government of a large source of revenue upon which they had calculated—but believing also, as he did, that those hon. Members would not support the Bill in the abstract—and that with regard to many of the clauses they did not think them just or reasonable — he thought it no more than right that they should now consider whether they were to impose this tax as part of a permanent system of taxation, or whether they should not take an opportunity of reconsidering it at some future time, when they should have had some experience of its operation. There was nothing unreasonable in such a proposition; on the contrary, it was but following out a course they had followed in a similar case. When they imposed the income tax, they did not in the first instance put it on permanently, but they limited its duration to three years, avowedly that they might have the opportunity of reconsidering it when they had had some experience of its working. He thought, therefore, that it would be only reasonable to put on this tax in the same way as a temporary measure, and to limit its duration for five years. They ought not to forget that when the tax was first attempted to be imposed by Mr. Pitt, it was brought forward, as in the present instance, time after time, and that the majorities, great in the first instance, dwindled down gradually, until at last they became so small that Mr. Pitt was obliged to give up the Bill. In this case, also, the Government had commenced with a large majority in favour of the Bill, which had dwindled down that evening to exceedingly small ones. This convinced him that people's minds were beginning to be opened, and that it was not a tax which they thought it was just to impose, if really their object was to tax real property in the same way as personal property. Under the circumstances, he would put it to the Government whether it would be wise now to impose the tax for a longer period than five years, that they might see if, as they asserted, the tax could be levied without annoyance and vexation. For himself he was so convinced of the contrary, that if his noble Friend (Lord Galway) pressed his Amendment he would support him.

The CHANCELLOR OF THE EXCHEQUER said, this was not a question upon which it was necessary to trouble the Committee with any details. He could only say, in answer to his right hon. Friend, that he thought, if the Committee were disposed to impose a tax of this nature for five years only, it would indeed be a very serious question whether the Committee ought to impose a tax at all. The question at issue really was, whether the principle of this Bill was to be defeated under the colour of a Motion for limiting its duration. Although he did not share in the apprehensions entertained by his right hon. Friend with regard to this Bill, he was ready to admit that every fiscal measure novel in its nature involved certain difficulties in the first instance. Still he thought it would not be worth while to confront the difficulties attendant upon this measure for the sake of its financial advantages, if it were only to last five years, and more particularly when it was recollected that five years must elapse before the tax would come into full force. In the first year it would realise absolutely nothing, and in the second year it would produce really very little, and it would take full five years before any single estate would actually have paid the whole amount of the duty. Again, look at what would be the effect of the noble Lord's (Viscount Galway's) Amendment in another respect. Those who paid the succession tax during the next five years, would, under the measure of the Government, receive, as it were, an entire acquittance for one generation; but the noble Lord proposed that after they had paid the tax it should be repealed, and then they should enjoy the luxury of paying, along with the rest of the community, whatever other tax should be imposed as a substitute for the succession duty. Again, the same rule that the noble Lord proposed with respect to the succession duty, must equally apply to the legacy duty; in fact, this tax and the legacy duty were inseparably wedded to each other, and must stand or fall together. If the Committee wished the legacy duty to be limited to five years, let it deliberately say so; but, at all events, he hoped the Committee would not agree to exceptional legislation in the present instance.

VISCOUNT GALWAY said, that the right hon. Gentleman (Mr. Walpole) had, with himself, considered five years a sufficient term for the continuance of the succession duty; but he (Viscount Galway) had, on further consideration, suggested seven years. He would now move the addition of the following words to the clause—"And shall continue in force till the 19th day of May, 1860, and no longer."

Amendment proposed, in p. 17, l. 22, to add at the end of the clause the words "and shall continue in force until the nineteenth day of May 1860, and no longer."

MR. DISRAELI said, he had wished to make the suggestion which his noble Friend (Viscount Galway) had anticipated, namely, that they should adopt the period of seven years for the continuance of this Bill. And he had intended to do so upon the statement which was made by the right hon. Chancellor of the Exchequer when he first introduced this proposition to their notice. The Committee would recollect that at that time the income and property tax was not renewed. He (Mr. Disraeli) had felt it his duty, on the part of the late Government, to propose to the House that it should consider the propriety of making some difference in the rates of assessment for the several schedules of that measure. The right hon. Gentleman the Chancellor of the Exchequer did not agree in principle with that proposal; or, rather, he acknowledged, virtually at least, that some difference should be established in the rates of assessment, and said that he was about to propose a measure for extending a succession duty to all settled property, and that that measure would be a compensation to those classes subject to the income and property tax, in whose favour he would not recognise the propriety of making the difference which the late Government wished to establish. Well, the right hon. Gentleman proposed that the income and property tax should be continued for the term of seven years, and he not only proposed that, but he promised that if his views were carried into effect, the income tax would terminate at the end of that period. Now, if this measure was brought forward specially as a compensation to those classes who upon one theory were assessed too highly to the income and property tax, it seemed to follow that the compensation ought to cease when the special burden ceased to be inflicted; and therefore, upon that view of the case, it appeared to him that the term for which they ought to consent to this tax being levied should be exactly coextensive with the proposed duration of the income tax, namely, seven years. With regard to the remark of the right hon. Gentleman, that if they limited the duration of this Bill, there would be arrears payable, and the hardship that would ensue from that circumstance, he might remind him that under the Property and Income Tax Act, if it should terminate to-morrow, there would be arrears of taxation; therefore, the objection of the right hon. Gentleman appeared merely to be a technical one. It had been urged that the existing legacy duty and this Bill were bound up together; it might be so in principle, but it was not so in form. This was a separate Bill, and could only be decided upon its particular merits, as they were expressed in the Bill before them. If the principle of this Bill was so just, they might rest assured that, at the end of seven years, in this age of progress, they would not have so far deteriorated that the force of truth and justice would not be as efficient and efficacious as it was now. He must protest against the principle laid down by the Chancellor of the Exchequer, that a Bill which was distinctly and palpably before the Committee could only be considered with relation to an Act which really had no legislative connexion with it. He (Mr. Disraeli) looked upon this Bill as a proposition originally brought forward by the Ministry by way of compensation for another measure which was submitted to Parliament at the same time, but which would cease at the end of seven years; and it seemed to him (Mr. Disraeli) both rational and politic that they should limit the duration of this tax for the same period.

COLONEL SIBTHORP said, he would not even vote for the commencement of the tax, for in his opinion it was a most detestable tax. He condemned it both in principle and practice, and would, if it were possible, throw it out altogether.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 125; Noes 195: Majority 70.

Clause *agreed to;* as was also the 56th clause (containing the title of the Bill) and the schedules.

Clauses 16 and 22, which had been postponed, were put, and *negatived.*

The CHANCELLOR OF THE EXCHEQUER said, he had now to propose the addition of a clause with respect to leases for lives. The clause was so drawn that in leases for lives they should include leases for years determinable on lives; but there being some doubt about it, he proposed to insert the words, "or leases for years determinable on lives." The clause, which was in the following words, was then brought up:—

> "Provided, that no person entitled at the time appointed for the commencement of this Act to the immediate reversion in any real property, expectant upon the determination of any lease for life, shall be chargeable with duty in respect of such determination in the event of the same occurring in his lifetime."

MR. HENLEY said, that under this Bill, if a farm were let for 300*l.* and afterwards happened to be let for 320*l.* or 350*l.* a year, an additional succession duty should be paid. He trusted the Chancellor of the Exchequer would remove the evil of which he complained.

The CHANCELLOR OF THE EXCHEQUER said, he would suggest to the right hon. Gentleman that he was now discussing another part of the Bill. They could not do what he proposed without cutting across what they had already enacted.

MR. CAYLEY begged, the Chancellor of the Exchequer would explain the principle of the clause, and the precise object of it.

The CHANCELLOR OF THE EXCHEQUER said, it was found that the Bill, as it was drawn, applied the retroactive principle of liability to taxation on any succession ensuing upon death, with so much strictness that the present holder of landed estates that had leases on lives, when those lives determined by the death of the parties, would be liable to pay succession duty. They debated the subject, and the feeling of the Committee was pretty clearly indicated on both sides, that they should not consider the parties as liable to legacy duty. The intention of this clause was to give full effect to that view of the Committee.

Clause *agreed to.*

The CHANCELLOR OF THE EXCHEQUER then moved the insertion of the following clause with respect to life policies and *post obit* bonds:—

> "No policy of insurance on the life of any person shall alone create the relation of predecessor and successor between the insurers and the assured, or between the assurers and any assignees of the assured for money or money's worth, and no bond or contract made by any person *bonâ fide* for valuable consideration in money, for the

> payment of money after the death of any other person, shall alone create the relation of predecessor and successor between the person making such bond or contract, and the person to or with whom the same shall be made; but any disposition or devolution of the moneys payable under such policy, bond, or contract, if otherwise within the provisions of this Act, shall be deemed to confer a succession."

This clause had been very much considered by persons out of doors who were interested in this subject, and he believed that it was generally acceptable to them.

Mr. FRESHFIELD said, that the provision, so far as it related to policies of insurance, appeared to him to be satisfactory, and was an improvement of the clause on which he had observed on the second reading of the Bill, and, in fact, removed the objection then made, namely, that while it exempted the insurances made by persons upon their own lives, it left insurances made by persons upon the lives of others within the category of successions, and, as such, liable to the new tax. But in the second branch of the clause, as now proposed, which dealt with the case of *post obit* bonds or contracts, only one class of *post obit* security was provided for. It must be well known that payments engaged to be made on a death were of two descriptions: one class consisted of sums to be paid by a debtor, or by a person contracting to secure the debt of a near connexion upon his own death; the other class was of engagements by the obligor to pay upon the death, not of himself, but of another person. The clause exempted the latter class from the succession tax, and, so far, it would satisfy capitalists whose case he (Mr. Freshfield) had advocated upon a former stage of the measure, because the persons with whom they contracted were generally persons who had interests dependent, as to time, upon the death of some then intermediate possessor; but the clause did injustice to those parties who had been content to wait for payment until the death of the party giving the bond, and only on that event; and yet such cases, though not so common as the other class, were yet well known, and when they did occur, were of a meritorious description. Money was advanced to a friend in perfect reliance upon his having the means of repayment, and for which a *post obit* bond was taken, and although it would secure to the obligee no other preference than would be acquired under a bond in the ordinary form, yet it would be a more generous proceeding toward the obligor, because it postponed the period of payment beyond his life, nor would any statute of limitations affect the debt. Again, creditors having received portions of their debts might have sufficient confidence in their debtor to believe that in the life of their debtor they had a reasonable expectation that the remainder would be reduced; or that, partly for that purpose, and partly for his family, he would keep on foot policies of insurance to the extent of his means; and with such expectations the creditors might be satisfied not to molest the debtor during his life, but take his bond or other contract, in the name of some trustee, for the benefit of the creditors generally; and, as the clause stood, any payment under such a contract would confer a succession. It would be no reason in support of the clause, that such a contract might enable a man to cover all the property of which he would die possessed, because the same suggestion would apply to any bond; and it was to be recollected that to protect an assignment of a policy or a *post obit* bond on the death of another person, it was required that there should be a *bonâ fide* valuable consideration in money or money's worth. He should, therefore, propose that money secured by *post obit* bond or contract, be put upon the same footing as money receivable under a policy of insurance, and be exempt from the succession tax; and with this view he moved as an Amendment the omission of the word "other," which would leave the provision applicable to the decease of "any person."

The CHANCELLOR OF THE EXCHEQUER said, he could not accede to the Amendment, as it was evident that its adoption would lead to unbounded evasion. In that case every man's will would take the form of *post obit* bonds to those to whom he wished to leave his property.

Mr. FRESHFIELD explained that his Amendment only referred to bonds given for a valuable consideration.

The CHANCELLOR OF THE EXCHEQUER said, he was quite aware that that was the intention of the hon. Gentlemen; but in the practical working of the measure it would be found quite impossible to prevent bonds, not for in reality valuable considerations, gaining exemption if the Amendment were agreed to.

Amendment *negatived.*

Clause *agreed to.*

The CHANCELLOR OF THE EXCHEQUER then proposed the insertion of the following clause with reference to the duty chargeable on timber in place of the one (Clause 22) originally in the Bill. A point raised on a former occasion might be open to consideration—namely, whether a very small sum might not be inserted in the clause, below which it should not be necessary to have any account; but the main question was the principle of the clause:—

> "Where timber trees or wood shall be comprised in any succession, the successor shall be chargeable with Duty upon his interest in the net monies which shall from time to time be received from any sales of such timber trees or wood, and shall account for and pay the same yearly: Provided, that if the successor shall be desirous of commuting the Duty, and shall deliver to the Commissioners an estimate of the net monies obtainable by him from the sale of such timber trees and wood as may, in a prudent course of management of the property, be felled by such successor during his life, the Commissioners, if satisfied with such estimate, shall accept the same and assess the Duty accordingly."

Brought up, and read 1°.

SIR JOHN TROLLOPE said, that he quite admitted that the amended clause considerably modified the one originally proposed; but it was nevertheless liable to so many objections, that if the Committee agreed with him they would have no difficulty in deciding that it should be negatived. The right hon. Chancellor of the Exchequer proposed to charge this duty on the "net moneys which shall from time to time be received from any sales of such timber trees or wood." Now, he apprehended that in all cases of trusts or executorships, this would raise a perpetual running account, which would probably never be closed during the life of any trustee or executor. The duty received under this provision would be exceedingly small, while the annoyance and vexation to all engaged in the management of landed property would be exceedingly great. But then the Chancellor of the Exchequer proposed, if that was not acceptable, a proviso by which persons might commute for the moneys by estimating "the net moneys obtainable by him from the sale of such timber trees and wood as may in a prudent course of management of the property be felled by such successor during his lifetime." Now, these words, "prudent course of management," would receive a very different interpretation from different gentlemen. A tree was considered ripe for felling at very different times in different parts of the country. In his (Sir J. Trollope's) county an oak tree was not considered ripe for felling in less than about six generations, or 200 years; and then there were many trees of considerably greater age which were still in full vigour. Then he found that the proviso concluded, "the Commissioners, if satisfied with such estimate, shall accept the same, and assess the duty accordingly." Now, as he knew no way by which such an estimate could be obtained, except by a valuation, he must say this looked very like an attempt to reintroduce the principle of "valuation" which had been so strongly objected to in the original clause, as being vexatious, expensive, and productive of litigation. He wished to know how the Chancellor of the Exchequer proposed to arrive at the money received from time to time from the sale of timber. Did he intend to take the account of the seller or of the buyer? He (Sir J. Trollope) knew of no machinery by which it would be possible to collect this tax. No doubt gentlemen of large property would deliver an honest and fair account of the sums they received from this source; but timber sales were not an ordinary source of a gentleman's revenue; perhaps he did not have more than three such sales in the course of his life; and this proposition was one to tax capital not of a reproductive nature, because when a tree was once cut down there was an end of it. He thought it would be preferable to this, that receipts from timber should be assessed to the income tax in the same manner as those from underwood were at present. He believed, however, that this clause would result in so much vexation and annoyance, while the sum received under it would be so small, that he should move that it be expunged from the Bill.

COLONEL SIBTHORP said, that suspecting as he did anything which fell from the right hon. Gentleman the Chancellor of the Exchequer, he suspected any modification he might make in this Bill was a gross robbery on his part. He read in the newspaper the other day that there was a surplus. Humbug and nonsense! He knew what the Chancellor of the Exchequer's froth was, and that it had no substance whatever. This was another attempt to rob the people, in order to fill the Chancellor of the Exchequer's exchequer, and make the public believe that he was a good financier, and was working for the prosperity of the country. He would ask the Chancellor of the Exchequer who was to pay the succession duty upon copyhold property? He was not speaking for himself, for he was happy to say his property was freehold.

But a copyholder could not cut down timber without giving one-third to the lord, besides a fine, and he wanted to know whether duty would be charged on the whole or upon two-thirds?

MR. BUCK said, he knew the cases of individuals who, when boys, came into the possession of property. The timber was cut down by their trustees to redeem the land tax, but ever since it had not been touched. The Chancellor of the Exchequer now proposed indirectly to tax the sixty or seventy years' growth, whereas if the land had been in cultivation the duty would have been assessed only on the annual return. Timber stood in so different a position from all other property, that he hoped the clause would not be pressed.

MR. VERNON SMITH said, that however willing he was to tax timber, he did not think his right hon. Friend (Sir J. Trollope) had shown any cause why, since all other property was to be subject to the tax, timber should be excluded. But he wished to ask some explanations of the Chancellor of the Exchequer. He still thought the wording of the clause was not quite distinct. In the first alternative it was said "that the successor shall be chargeable with duty upon his interests on the net moneys which shall from time to time be received from any sales of such timber, trees, or wood." Did the right hon. Gentleman mean to include merely the periodical sales of timber, or did he mean that if any gentleman cut down hedgerow timber, for instance, for the purpose of relieving his farm, he should be chargeable for such cutting, or that he should keep an account for such small items, and submit them to the taxgatherer? Again, the clause spoke only of "sales of timber, trees, or wood." He (Mr. V. Smith) supposed it was intended to exempt timber used for the purposes of the estate; but, if so, he thought this should be specified in the Bill. In the second alternative, it was said that the Commissioners, if satisfied with the estimate delivered to them, "shall accept the same, and assess the duty accordingly." But what were they to do if they were not satisfied? The question of valuation was a most material point. If the taxgatherer were to be called in to value timber, it would be most obnoxious, and extremely difficult. Besides, it was the custom in his part of the country only to value timber under six inches through, and in some parts under twelve inches through. Then he wished to know what would be done with ornamental timber? It was clear that, if not sold, it would not come under the first part of the clause; but would it come under the second portion of the clause in commuting the duty—would ornamental as well as other timber be valued?

The CHANCELLOR OF THE EXCHEQUER said, with reference to the first question put to him, he thought he had answered it by anticipation, namely, the question whether every transaction, however small, would be made the subject of return. As the clause stood, sale, and sale only, would be the test; and he stated he had no objection to a small minimum of exemption, but it must be small to prevent evasion. With respect to timber used in the repair of the property, he did not think it possible to specify his meaning more distinctly than by saying the owner should be liable to pay in respect of moneys received from the sales of such timber. He did not know any words which would more rigidly exclude from charge timber used in repairs, and of course it should not be included in any valuation under the second part of the clause. With respect to the question, what would be done if the Commissioners were not satisfied with such estimate, the answer was they would go to issue with the party upon such estimate precisely as under any other provision of the Bill, and the question so put at issue would be disposed of by the same machinery as was provided for all points of difference. As regarded ornamental timber, speaking generally, it might be described as timber not usually cut, and if not usually cut, it would plainly not be liable to the duty. Under the first alternative it would not be liable, because the duty was levied on the moneys received from sales; and under the second alternative it would not be liable, because the estimate would be confined to net moneys obtainable from the sale of such timber, trees, and wood, as might be cut within the lifetime of the person, with a due regard to the interests of the estate. If it were not proper to fell the timber with a due regard to the interests of the estate, it ought not to be included in the estimate. It often happened timber was ornamental as well as marketable, and every year trees might be cut out of the value of 10*l.* or 15*l.* each. Although ornamental, it could not possibly on any principle of justice or equality be excluded from the tax. He would not enter into the general discussion, as they had been through that on a former night. They had mitigated the clause, and now the only objection seemed to be that the duty would not be worth collecting. He was not sanguine as to the proceeds; but there was something in the principle of the clause, and upon that he rested the proposition, which he was quite content to leave to the judgment of the Committee.

MR. CHRISTOPHER said, the policy of the Government, for years past, had been to reduce the duties on foreign timber, and here was a virtual excise duty imposed on home-grown timber. The right hon. Gentleman did not expect to get much from the tax. Was it, then, worth while to perpetrate such injustice, accompanied by an inquisitorial process so oppressive and so offensive. There would be the most vexatious contests with the excise officers as to the rate of duty—1 per cent, 5 per cent, or 10 per cent. The system of valuation was most objectionable, inquisitorial, and impracticable. He knew an instance in which the valuation of timber amounted to 5,000*l*. Was it advisable in a free-trade Administration to introduce an excise duty to such an extent upon dubious valuations?

SIR THOMAS ACLAND said, he thought the Chancellor of the Exchequer had made a great improvement in the clause, and had obviated many of the difficulties which had been raised, because the landowners would now have the power of choice, and be able to proceed voluntarily. He did not think this tax ought to be stigmatised as an excise duty, He trusted the right hon. Gentleman would allow a reasonable minimum to prevent parties coming into collision with the tax collector. Supposing they wished to have a market open for their timber, they might express to the Commissioners their desire to commute, and if the Commissioners should not be satisfied, they might withdraw their offer and remain as before. There would, however, be a strong inducement to meet any offer of that kind on fair terms, because if the offer was withdrawn, they might lose their tax.

MR. HENLEY said, if he rightly understood the Chancellor of the Exchequer, the right hon. Gentleman had made no satisfactory answer to the question of the right hon. Gentleman the Member for Northampton (Mr. V. Smith), whether timber cut down for repairs would be charged under this Bill. In his opinion the Chancellor of the Exchequer hardly knew how these things were managed. If a holding required repair to the extent of 200*l*. or 300*l*., and there was timber on the estate, the owner would cut it down for that purpose. The clause now under consideration would not meet that state of things at all. But now as to the principle of taxing timber at all. Ever since the imposition of the poor-rate in this country, now more than 300 years old, it had always been held out as a great object, that the growth of timber should be encouraged, and not only was land appropriated to the growth of timber exempted from the poor-rate, but the growth of underwood was exempted for a certain number of years after it was first planted. If the clause should pass a second reading, he should then have to call the attention of the right hon. Gentleman to a word now introduced which was not in his original proposition. That word was "wood." Every one knew that wood and timber were two separate things. The former was well understood, and known to the law; but unless such a difficulty were carefully guarded against, there would be a confusion between wood and underwood.

MR. KER SEYMOUR said, the Chancellor of the Exchequer thought that because other successions were taxed, timber ought to be taxed also. Now he could mention a case in point. It had often been said that it was right to rate stock in trade, but the difficulty of doing so was so great that it had been exempted. Although the clause had been greatly improved, still the difficulties would be so great that he trusted the right hon. Gentleman would make this small concession to the country gentlemen. By so doing he would in some measure meet the inequality of the income tax with regard to repairs, of which they so greatly complained.

MR. BOOKER said, he should oppose the clause. It was founded upon a disregard of the cost at which timber was reared, and the circumstances under which it was raised to maturity, or the purposes for which it was applied. Timber was used either as fuel for the poor, or as the staple material for our "wooden walls." It was the ancient policy of the Empire to encourage the growth of timber for the building of our Navy; and it was Collingwood's legacy to his country—an earnest advice to increase the growth of timber. [*Cries of* "Divide!"] Did the Committee deem it no longer of importance to encourage the growth of the British oak? The oak only gained a quarter of an inch in growth in a year; so that it would take 100 years to grow an oak of twenty-five feet girth.

Reckoning twenty years to a generation, the tree would be taxed five times in the course of a century. There ought to be a bounty on the growth of such timber instead of a tax. [The hon. Gentleman read an opinion to this effect from a proprietor of timber, who ended by declaring that he should denude his estate of timber, and spend the proceeds himself. The correspondent signed himself "W. S. Wood."] He (Mr. Booker) deprecated any feeling of hostility towards the Government in his opposition, and only sought to do his duty to his constituents. He should give his unqualified assent to the Amendment.

SIR EDWARD DERING wished to know whether the bark was to be included with the felled timber? It was sold separately in some places.

SIR WILLIAM JOLLIFFE said, he must assert that in every respect timber stood upon a different footing from every other description of property. Some trees, for instance, grew as much in thirty years as others grew in 120. Each tree cost the possessor an annual rent for its sustenance, by occupying a certain portion of ground. He was astonished that the Chancellor of the Exchequer should impose such a tax. If he wished to make a hateful tax, he could not adopt a more sure method. It would be looked upon as a black mail paid to the party in that House which supported the right hon. Gentleman's most objectionable Budget; and he should feel ashamed of himself if he were in any way accessory to its infliction.

Motion made, and Question put, "That the Clause be read a Second Time."

The Committee *divided:*—Ayes 195; Noes 179: Majority 16.

Clause *agreed to.*

MR. HENLEY would suggest that coppice and underwood should be excepted specifically, as otherwise the tax would press very heavily on plantations.

The SOLICITOR GENERAL said, he would not object to insert in the clause the words "or where timbers, trees, or wood, not being coppice or underwood."

MR. HENLEY said, he would agree to the introduction of the words, on the understanding that he should be at liberty to consider the point again on the bringing up of the Report.

MR. MILES said, he wished to propose a proviso that no timber should be valued which was of less than thirty years' growth. Previous to that age, timber bore no profit whatever.

The CHANCELLOR OF THE EXCHEQUER said, he could not accede to such a proviso. There were parts of the country in which a profitable trade was driven in timber of much younger growth than that.

MR. CUMMING BRUCE said, if the right hon. Gentleman referred to Scotland, he could only say that when he cut timber of less than thirty years' growth it did not pay its own expenses.

The CHANCELLOR OF THE EXCHEQUER said, the hon. Member did not live within fifteen miles of Glasgow.

MR. DUNLOP said, his experience was different from that of the hon. Gentleman opposite. The part of the country where he lived was not at all favourable for the sale of timber; and yet, for some plantations, containing timber of from twenty to thirty-five years' growth, a party who was at the whole expense of cutting, supplied him (Mr. Dunlop) with timber to the amount of 150*l.* a year.

Proviso *negatived.*

House resumed. Bill *reported;* as *amended,* to be considered *To-morrow.*

CUSTOMS ACTS (ISLE OF MAN).

The House having resolved itself into Committee on the Resolutions for imposing Customs Duties on the Isle of Man,

SIR JOSHUA WALMSLEY said, he objected to this measure because the Bill was an infringement of the privileges of the Isle of Man, and also with the rights of property, and he hoped, that unless the Government could show that they had the consent of the House of Keys and the people of the island, that the Committee would not sanction the imposition of increased duties. The proposition had not been submitted as promised, to the authorities of the island, and he complained that provision was not made by the Government to give to the House of Keys control over the taxes it was proposed to raise. This was an attempt to bring the island, with the customs of the Isle of Man, within the general customs laws of the kingdom, for the first time; and as this was opposed to the privileges and rights of the people of the Isle of Man, he should, if the Resolutions were pressed at that late hour, divide against them. On a former occasion a question was put to the hon. Gentleman (Mr. J. Wilson) on this subject, and his answer was, that he had the sanction of the authorities of the Isle of Man for the imposition of these duties. [Mr. WILSON: No, no!] The hon. Gentleman said "No, no!" but such was his (Sir J. Walmsley's) opinion. If the hon. Gentleman intended to say that he had not the sanction of the Isle of Man for imposing these new duties upon them, then it was still more extraordinary, at that time of the morning [*half-past two o'clock*] and without any explanation, he should be permitted to place the Resolution before them.

MR. J. WILSON said, that this was a mere preliminary Resolution, upon which a Bill would be introduced, and while that Bill was passing through its various stages, ample opportunity would be afforded for full discussion of its details. The Bill, although it increased duties to a small extent, removed most serious impediments to the trade of the island. He had taken the precaution, several weeks ago, to write to the Lieutenant Governor of the Isle of Man, informing him fully of the proposed changes. The Lieutenant Governor called the House of Keys together, and they had expressed opinions not at all inimical to the proposed changes, but had suggested some alterations and modifications, which he would take into consideration.

SIR JOSHUA WALMSLEY said, that when the hon. Member for Westbury stated that the course taken by the Government was approved by the Manx people, it was impossible he could justify such a statement, which was exactly the reverse of truth. He (Sir J. Walmsley) denied that the officials of the Isle of Man had approved the proposal of Her Majesty's Government. He would throw every obstacle in his power in the way of the Resolution, and he, therefore, begged to move that the Chairman report progress.

House resumed.

Committee report progress.

The House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Friday, July 8, 1853.

MINUTES.] PUBLIC BILLS.—1ª Public Houses (Scotland); Polling at Elections Amendment.
2ª Savings Banks Annuities.
3ª Colonial Bishops Act Extension; Patronage Exchange.
ROYAL ASSENT. — Excise Duties on Spirits; Cathedral Appointments; Malicious Injuries (Ireland); Soap Duties; Public Works Loan.

SAVINGS BANKS ANNUITIES BILL.

EARL GRANVILLE having moved that this Bill be read 2ª,

LORD PORTMAN wished to observe that there was a Bill now before the House of Commons, introduced by the Government, for the future management of Savings Banks. According to the provisions of that Bill, the Government were to appoint receivers of the money, who were to be assisted by local trustees and managers in the same manner as at present. He conceived, however, that it would be extremely difficult to find any local parties willing to become trustees or managers under the conditions proposed; and that being the case, he was afraid that, without the assistance of such local co-operation, it would be quite impossible to carry on the savings bank system as proposed by Her Majesty's Government. By the latter part of the Bill it was provided that all Savings Banks throughout the country must adopt one of two courses: either they could submit themselves to the provisions of the Bill and participate in its benefits; or the trustees or managers, within three months after the passing of the Act, must become responsible to all parties contributing their money, to the amount of their contribution. Now, when he reminded their Lordships that there was something like 32,000,000*l.* deposited in the national funds on behalf of savings banks, he could not help thinking that they would coincide with him in a belief that trustees and managers were not very charitably dealt with in holding them responsible for so large an amount of money; and under the provisions of the Bill it would be quite impossible to persuade any party to take such a liability upon him. The effect of the Bill would therefore be, that if no persons were found willing to continue acting as trustees or managers, there would be no means available for working out the measure. Before, then, it was too late, and before their Lordships should be obliged to reject that Bill, he considered it highly desirable that some legal means should be devised to enable the carrying into effect its great object. Perhaps his statement on the occasion might be rather premature; but as the measure to which he referred was otherwise so valuable a one, he was anxious to guard in time against its becoming useless.

Bill read 2ª, and *committed* to a Committee of the whole House on Monday next.

POLLING AT ELECTIONS AMENDMENT BILL.

The EARL of SHAFTESBURY *presented* a Bill to amend the Laws which regulate the mode of voting for Members of Parliament for cities and boroughs in England and Wales; and said he was anxious to say a few words in explanation, because the subject might be considered as rather a novel one, as, perhaps, in some respects were the time and place of introduction. Every one, whatever might be his station in life, was interested, and deeply interested, in the repression of bribery, corruption, and all the other vices which at present disgraced our elective system. Late events had specially developed the existence of these abuses, and had given, he thought, special cause to every one to use his best endeavours in devising and proposing a remedy. His attention had been called to these evils, and it had struck him that the mode of voting practised by our local boards of health, and also under the poor-law, might be adapted to Parliamentary elections, and would strike at the root of the existing evils; that if the plan of voting papers were adopted, we should have all the advantages of open voting without the ordinarily attendant evils of polling booths and processions, and that these general results would follow: First, that there would be a general abatement of intimidation by violence at the polling booths and in the streets; secondly, that there would be no necessity, and, consequently, no pretext whatever, for treating and refreshment; and any one who had looked at the reports of the Election Committees which had recently sat must be convinced that there was no more fearful means of corruption than the system of treating. Thirdly, there would be then no plea for bribery under the name of travelling expenses, another great source of corruption; and there would be no plea for any payments as compensation for loss of time. Again, there would be no holding back of votes until late in the day to enhance their price. Then, there would be a greater number of persons who would record their votes than at present. Many presons, especially the weak and timid, were now kept away from the poll, and it very often happened that those who were thus kept away were by far the best voters in the whole community. Under the system proposed by this Bill, all these persons would be enabled to vote. Then, in order to limit the expenses of elections, and to give them a legal character, he suggested that there should be an officer having the power to demand security from the candidates; and he proposed that the returning officer, having taken such security, should be the person to superintend and sanction all expenses, and that no other expenses should be considered legal except those which took place between a candidate and his own agents. The practicability of carrying out this Bill depended, of course, upon the details contained in it, and those details had been very carefully considered. The measure would offer no impediment to those constitutional public gatherings at the day of nomination and election which prevailed under the present system: these would remain untouched. It might be said that some slight difficulties had occurred under the poor-law system of voting. That was true, but this might be ascribed to the very inferior position and pay of the persons employed as collectors, and to the total want of safeguards in the collection and subsequent examination of the voting papers. Under the Bill which he now begged leave to introduce, all those safeguards had been provided. He should add, that the measure was, at present, confined only to cities and boroughs, because the evils complained of were not so prevalent in counties; but it could be easily extended to counties as soon as the proper machinery could be provided. He now ventured to lay this Bill upon the table of the House, and he did believe that, if adopted, it would go very far indeed to repress the great evils now complained of in our elective system, and would take away a great number of the pretexts under which bribery had been so extensively used.

The EARL of ABERDEEN considered, that the subject to which the measure of the noble Earl referred was one of very great importance; but the custom in that House was to abstain from giving any opinion on any measure, or entering into discussion of its merits, until it came before their Lordships for a second reading. Therefore he must refrain for the present from giving any opinion on the Bill of the noble Lord.

LORD BROUGHAM could not avoid expressing his great gratification that his noble Friend had turned his attention to this subject. He was unable, however, to make out whether the noble Earl proposed that the votes should be taken in secret, or whether he merely suggested an arrangement by which votes were to be taken at the residence of the constituents—thus avoiding the necessity of bringing them to the poll. [The Earl of SHAFTESBURY intimated that the latter was the intention of the Bill.] It certainly was true that it was not in accordance with the practice of their Lordships' House to permit any noble Peer to indulge in an explanatory statement on the occasion of the first reading of a Bill, such a statement being reserved until the second reading. But then exceptions were allowed to that rule in all cases of Law Bills, it being considered highly desirable that the provisions of such measures should be fully understood throughout the country before they came to be discussed by their Lordships.

Bill read 1ª

House *adjourned* to Monday next.

HOUSE OF COMMONS,

Friday, July 8, 1853.

MINUTES.] PUBLIC BILLS.—1° Incumbered Estates (Ireland) Act Continuance; Ministers' Money (Ireland).

2° General Board of Health (No. 3); Coinage Offences (Colonies).

LANDLORD AND TENANT (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clauses 33 to 35 inclusive were *agreed to*.

Clause 36 (A tenant may cut turf on his land, under certain limitations, unless restrained by a covenant in his lease).

COLONEL DUNNE said, the practice of cutting turf on a farm was a most objectionable one. He himself had a good deal of mountain bog land in Ireland, and if such a clause as this were passed, he should certainly in future take every opportunity to insert provisions in his leases to prevent its operation, so objectionable to him was the practice of cutting turf from land which might otherwise be reclaimed and made susceptible of cultivation.

SIR JOHN YOUNG said, he must explain that power was only given by the clause to cut turf from unreclaimed bog land.

COLONEL DUNNE replied, that that did not lessen his objection, for much of that unreclaimed bog land might be cultivated to some extent under proper care and treatment.

MR. M'CANN said, he thought it was absolutely necessary that the tenant should have an opportunity of cutting turf on his land for the purposes of fuel, which he might not be able otherwise to procure in the district in which he lived. Quite sufficient protection was given to the landlord, when power was given to him to prevent the operation of the clause by the insertion of a covenant with that view in his leases.

MR. KEOGH said, he hoped the right hon. and learned Gentleman (Mr. Napier) would insist on the clause. If the hon. and gallant Colonel (Colonel Dunne) had read the clause through, he would have seen that it effectually provided against any abuse of the practice of turf-cutting.

MR. R. FOX said, he should support the clause on the ground that he knew many cases in Ireland in which the circumstance of the landlord having deprived the tenant of his right of turbury, had been made use of as a punishment for political offences.

Clause *agreed to;* as were also Clauses 37 to 42.

Clause 43.

COLONEL GREVILLE said, he objected to the clause, as only re-enacting an Act of the 9 *Geo.* IV., unrepealed, by which power was given to magistrates to issue a precept to restrain tenants from the commission of malicious waste in reference to houses. The right hon. and learned Gentleman (Mr. Napier) also went a good deal further than that Act, for he sought by this Bill to apply it to the commission of waste upon land—a principle which neither the law of England nor of Scotland recognised. He (Colonel Greville) did not propose to alter the existing law; he wished to leave the law as it stood by the Act of George IV.; and he would move an Amendment in accordance with that view.

MR. NAPIER said, the Act of the 9 *Geo.* IV. only met a particular case—namely, the injury of houses; but cases very frequently occurred where waste or injury was committed on land, and then the remedy was a reference to the Court of Chancery, which, besides being tedious and expensive, was powerless in stopping the waste whilst the rights of the parties were being ascertained and determined. The clause sought to remedy that grievance by giving power to the magistrates, on information, merely to stop the further commission of the waste, until the question could be tried before a superior tribunal.

MR. KEOGH said, that the object would be answered by making the clause applicable to houses alone. At the same time he did not touch upon the precept to the magistrate, which he thought a useful provision both to landlords and tenants.

Mr. WHITESIDE said, he should support the clause. If the principle of the existing Act of Parliament was good as to buildings, there was no ground why it should not be extended to land, which might be wasted by the tenant.

Sir J. YOUNG contended that these matters did not refer to the clause under discussion. The question was, whether it was necessary to put the word "timber" in the clause or not, and whether the rights of the landlord were not sufficiently protected in this respect by a previous clause. He thought they were.

Mr. NAPIER said, he would reconsider the subject.

Clause postponed.

Clause 44 (Magistrate's precept to restrain waste).

Colonel GREVILLE said, that he had an Amendment to propose. This clause involved the same objectionable principle as the last. If, however, the right hon. and learned Gentleman would consent to reconsider this clause also, he would not press the Amendment.

Mr. NAPIER said, he could not consent to extend his pledge to this clause.

Colonel GREVILLE then said that he would move the rejection of the clause altogether. By this clause a power would be given to any one magistrate, upon an affidavit made before him, to issue a precept to restrain the occupier of any land from doing that which it might afterwards be shown he had a perfect right to do. No such power existed in either the English or Scotch law, and he did not see why it should be introduced into that of Ireland.

Sir JOHN YOUNG said, he approved of the clause, as he considered that it proposed a mild and inexpensive mode of staying waste until the matter could be inquired into at the next petty sessions. The operation of the clause would be to bring cheap justice home to the poorer classes in Ireland.

Sir WILLIAM VERNER said, he was convinced by experience of the necessity of the clause.

Mr. V. SCULLY said, that the law was perfectly clear and satisfactory as it stood at present, and he therefore objected to its being altered. The remedy provided by the Court of Chancery was quite sufficient for the landlord, and he therefore hoped the Committee would not sanction the proposed change.

Mr. I. BUTT said, the clause would confer a far greater boon upon the tenant than the landlord, for it was absurd to suppose that a poor tenant could resist an expensive suit in Chancery, even though he might have right and equity on his side. Now how would the clause act? Why, in case of dispute between the landlord and tenant, the former would go before the assistant barrister, and obtain an *ad interim* order, which the tenant could appeal against to the Court of Petty Sessions at a very moderate expense indeed; but he could not do that in a Chancery proceeding except at an enormous cost, and the order in Chancery for the ejectment was, in the majority of cases, made peremptory in the first instance.

Mr. KEOGH said, he fully concurred with the observations of his hon. and learned Friend. It was a great delusion to suppose, as one hon. Gentleman seemed to think, that sufficiently philanthropic counsel could be found in the Irish Court of Chancery who would be ready to take up the case of an injured tenant for a fee of two guineas. Attorneys and counsel were not so easily satisfied as that, and the poor tenant who was dragged into Chancery by his landlord had much better convert his goods and chattels into cash and be off to America, than attempt to resist the suit. It could not be done except at an enormous expense, and, consequently, the change proposed by this clause ought to be passed, if it was only on the ground of bringing cheap justice to every man's door.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 61; Noes 18: Majority 43.

Clause *agreed to;* as were also Clauses 45 and 46.

Clause 47 (Summary possession of small tenements wasted).

Mr. V. SCULLY moved the omission of the clause.

Viscount MONCK said, that it would be very hard indeed if a landlord did not possess the power of summary ejectment if a tenant committed wilful injury or damage on premises which the landlord was bound to keep in repair.

Mr. LUCAS said, that this clause was to be considered in conjunction with Clause 7, on which they divided yesterday; and as he believed that the effect of it would be to make the cottiers the serfs of the landlords, he would vote against it.

MR. F. SCULLY said, he would vote for the clause if it was to apply to houses only, but if it was to apply to the land also he would vote against it.

Question put, "That the Clause as amended stand part of the Bill."

The Committee *divided:*—Ayes 59; Noes 18: Majority 41.

Clause *agreed to;* as were Clauses 48 to 64 inclusive.

Clause 65 (The landlord before putting in a distress must obtain the warrant of a magistrate).

SIR ARTHUR BROOKE said, he should move the omission of the clause, on the ground that the existing right of distress operated less injuriously on the tenant than would a law which would eject him altogether if there was a gale's rent due. He thought there should be a right of distress also, in order to prevent the tenant from making a fraudulent removal of the crop.

VISCOUNT MONCK said, that he entertained strong doubts as to the right of distress at all, but he should certainly support any clause that would prevent the landlord from being the immediate enforcer of his own rights.

SIR DENHAM NORREYS said, he approved of the change of the law of distress introduced into this clause; but he would carry the principle still further, and say that the whole management of a distress, from its very beginning to its close, should be taken out of the hands of the landlord altogether, and confined to a body provided by the Executive, who should be analogous to the constabulary in Ireland.

Amendment *negatived;* Clause *agreed to.*

Clauses 66 to 69 inclusive *agreed to.*

Clause 70 (Power to distrain, *inter alia*, growing crops in payment of rent in arrear).

MR. M'MAHON said, he wished to propose that the words conferring the power of distraining growing crops should be struck out. Up to the year 1816, the landlords in Ireland had not the power of distraining growing crops. In that year the power of distraining growing crops was conferred upon the landlord, and continued up to 1846. Its operation had been so injurious in Ireland, that the late Sir Robert Peel abrogated the power, and so the law remained up to the present time. The present Bill proposed to go back to that abrogated system, in opposition to experience, and the opinion of some of the best authorities in Ireland. He hoped, therefore, the Committee would support his proposition.

MR. NAPIER said, he felt bound to defend the clause as it stood. Under this Bill the power which the landlord heretofore possessed would be greatly restricted. As the law at present stood, a landlord had the right of distress for six years. This Bill confined the right to one year, and it should be the year immediately preceding the getting of the magistrate's warrant to levy the distress. It was not quite true that the landlord could not distrain growing crops now; for although he could not do so directly, he could distrain them indirectly, by the circuitous and more expensive process of a suit in Chancery. It was notorious that of late years the tenants in some parts of Ireland had a habit of cutting down the crops and removing them to friends' houses on the Sabbath, so as to evade the law and cheat the landlord. He thought this was a practice which should be put a stop to, and believing that the alteration proposed was for the benefit of the tenant as well as landlord, he should press the adoption of the clause, for he considered it essential to connect the existing anomalies in the law, and to prevent practices of a dishonest and demoralising nature.

MR. MAGUIRE said, he thought that the power given by this clause was most oppressive and unjust, and would have a contrary effect to what was intended. The right hon. and learned Gentleman had fenced round the rights of landlords with sufficient securities, without giving them the direct power of distraining growing crops. The Bill made it a misdemeanour to cut down and convey crops on the Sunday.

SIR JOHN YOUNG said, he did not think that if this clause were retained in its present form, it would be used by landlords generally to harass their tenants. The landlord had power, however, already to eject any tenant who owed him a year's rent; and the only advantage which he would derive from this clause was, that in a suspicious case he might distrain growing crops to recover half a year's rent. The evil sought to be remedied was attributable to a shameful mismanagement; and, looking at the general position of tenants at present, he thought the proposed power unnecessary, and would recommend the right hon. and learned Gentleman (Mr. Napier) to reconsider the clause.

MR. WHITESIDE said, that the law in England and Scotland gave power to the creditor to seize the growing crops in those countries. He, therefore, could not understand why the landlords in Ireland should not have the same rights as creditors generally had in England and Scotland.

Mr. KEOGH said, that the landlords in Ireland were already sufficiently protected in their rights by the law as it at present stood, without introducing a principle into their law which was calculated to produce the most mischievous consequences. The Devon Commission had strongly recommended the repeal of the Act by which growing crops could be seized, seven years ago; and it was repealed by the Government of Sir Robert Peel; but the right hon. and learned Gentleman now asked Parliament to re-enact it, at a time too when there was no pretext for it.

Mr. LUCAS said, that by the 76th clause constables were authorised to prevent the carrying of crops on Sunday—a provision which he considered rendered the present clause needless.

Mr. G. A. HAMILTON said, he should certainly support the clause, believing that, in its result, it would tend to the benefit both of tenants and landlords, and would check the demoralisation which arose from the constant attempts on the part of tenants to defraud their landlords. This clause had, so far as he understood, been supported by the Government in the Select Committee, and it was with regret and surprise that he now found the Government opposed to it. Some reason ought to be given for this change of opinion.

Sir JOHN YOUNG said, he would be glad to know what Members of the Government had voted in the Select Committee in the way indicated by the hon. Member who had just sat down.

Sir ARTHUR BROOKE was at a loss to understand what desire there could be to oppose this clause, unless it arose from an anxiety to enable tenants to defraud their landlords.

Mr. WHITESIDE said, he was certainly under the impression that the right hon. Gentleman the Secretary for Ireland had himself voted in the Committee in favour of this clause.

Sir JOHN YOUNG said, he had not.

House resumed; Committee report progress.

GOVERNMENT OF INDIA—SALT DUTIES.

Sir JOHN PAKINGTON inquired whether the President of the Board of Control intended to introduce in the Bill for the future government of India, any provisions for the purpose of giving greater facilities for the importation of salt into India?

Sir CHARLES WOOD replied, that any legislation on the subject to which the question related, should be legislation in India, not legislation by the Parliament of this country. It might, however, be some comfort to those on whose behalf the question was put, to learn that, as appeared from the last papers received on the subject, there had been an increased importation of British salt into India. In 1848-49, 459,000 maunds were imported; in 1849-50, 624,000 maunds; and in six months of the subsequent year, rather more than the quantity imported in 1849-50—namely, 672,000 maunds.

Sir HERBERT MADDOCK inquired whether it was proposed, after the passing of the Bill, to retain the practice of "previous communication" in the transaction of business and correspondence between the Board of Control and the Court of Directors; and whether it was proposed to adopt any measures to improve and render less voluminous the system of correspondence now carried on between the Court of Directors and the authorities in India?

Sir CHARLES WOOD stated, in answer to the first question, that he did not propose to put a stop to the practice of "previous communication," as it tended to facilitate the transaction of business; and, in answer to the second, that he should endeavour to reduce the quantity of correspondence between this country and India. He added that it ought to be remembered, however, that some witnesses had expressed it as their opinion that the carrying on of such correspondence was absolutely necessary for the good government of India.

RUSSIA AND THE PORTE.

Viscount PALMERSTON: Seeing my hon. Friend the Member for Aylesbury (Mr. Layard) in his place, I wish to make an appeal to him on the subject of the notice which stands in his name for Monday next, and to request him, on the part of the Government, to consider whether in all respects it may not be more advisable to follow the example set by those persons in the other House of Parliament who had a similar notice on the books, and postpone, without naming any particular day for the present, the notice he had given. It is obvious that the discussion to which that notice must inevitably lead, will, in the present state of public affairs, be attended with inconvenience to the public service—not that Her Majesty's Government, or any Member of it, would be led to swerve from their duty by abandoning that prudent reserve which it would be their obligation to follow, but that it might be expected, and probably would happen, that in the course of that discussion things might be said by other persons which would create unnecessary irritation, and thereby tend to thwart and defeat any efforts which might be made for bringing about a peaceful termination of the present crisis. It cannot, I apprehend, be necessary for any purpose which my hon. Friend has in view; for, if I understand the nature of his notice, his objects are three: first, to obtain information, if any information can prudently be given; next, to assure the Government of support, in the event unfortunately of support being required; and, thirdly, to hold the Government to their duty, if in the opinion of my hon. Friend, they were likely to swerve from the performance of it. Now, in regard to information, none can be given, consistently with the duties of the Government, beyond that already in possession of the House, and the whole world. Nothing, therefore, can be obtained with regard to that object. With respect to support, I can assure my hon. Friend that Her Majesty's Government require no assurance; they do not suppose that, in any unfortunate event which may lead them to appeal to this House and to the country for support in a just cause, that support would not be cheerfully and cordially afforded. We need no other assurance of that than the knowledge that we are sitting in a British Parliament. With respect to the last topic, as to any idea that Her Majesty's Government may require a stimulus for the performance of their duty, I think it is sufficient to observe that when two great countries like England and France are united in a common course of policy, are aiming at a common object, are guided by common interests, and inspired by most perfect and unreserved confidence in each other—I say that it cannot, I am sure, enter into the mind of any man to suppose that any temporary forbearance which the Governments of two such great countries show, arises from want of determination, or that the most conciliatory course can be construed into a symptom of timidity or weakness. I trust, without any exhortation from my hon. Friend, or from any other quarter, the honour and interests of England and France are in safe keeping, and that honour and those interests are inseparably bound up with the great and important interest of Europe. I should hope, therefore, that my hon. Friend, yielding to the appeal I now make to him, will pursue the course which has been pursued in the other House of Parliament, confident that when the moment arrives when Her Majesty's Government think information can be given, that information will be given, according to the circumstances of the case, to the fullest extent that those circumstances and those interests may appear to render desirable. I now beg to move that the House at its rising adjourn to Monday next.

MR. LAYARD: Sir, in rising to answer the question which has been put to me by the noble Lord the Member for Tiverton, I trust the House will permit me to say one word on what occurred yesterday as to deferring this Motion, because it appears that I have not been rightly understood. I beg distinctly to state, that I am unconnected with any party, and that in giving notice of that Motion, I brought it forward as an independent Member, in the conscientious belief that it was my duty to do so. Of course, the appeal made to me yesterday, could not be resisted; and when I was informed that the noble Lord the Member for the City of London (Lord J. Russell) could not be present this evening, I did not hesitate to defer that Motion until Monday. But another question, and a much more serious question, has now arisen. I am requested to defer this Motion, unconditionally, and without limit. Now, allow me to remind the House, that it was not myself that fixed this day as the proper day to bring forward that Motion, but it was the noble Lord the Member for the City of London, who stated, in my absence, that Government would give this day for bringing on the question. With respect to what occurred yesterday, it appears it was a Member of Her Majesty's Government who named Monday next. I had nothing to do in naming either to-day or Monday as the fit day for bringing forward this Motion; and, consequently, as Her Majesty's Government did name Monday, I thought the matter of convenience had then been taken into consideration. I conceive I am labouring under great difficulty and very heavy responsibility. It is my own conviction, that, so far from the discussion of the question in this House originating any dangerous results, it would be of the utmost importance in bringing this momentous question to a satisfactory conclusion. I need scarcely point to the very great alarm felt in the country from the uncertainty prevailing on this matter. Not only in England, but on the Continent, that alarm is felt, and I confess it seems to me scarcely fair towards that ally with whom, and we learn it for the first time on this occasion, we are cordially acting, that the report should be prevalent in this country—a report which may or may not be true—that there have been dissensions in certain quarters which have led to this uncertainty. It may or may not be truly reported that there are dissensions on this highly important subject. Now, negotiations, in the common acceptation of the term, are at the present moment scarcely going on. What are the facts of the case? Here is a great nation which has sent a powerful army into two provinces of a neighbouring nation, and taken possession of those provinces. A manifesto has been issued, and, I believe, this country is little aware of the immense importance and enormous danger of that manifesto. It was an appeal to millions, in the name of their religion, to rise and fight for that religion. I trust it may not have the effect, but it may possibly evoke passions which no man on earth can control. I believe the time has never happened when such proceedings as I have described have occurred on the continent of Europe, without this House having some information, I do not say how satisfactory, laid before it; and I must be allowed to remind the House that this House has received no tittle of information on the subject from Her Majesty's Government. The only information given has been derived from the official information of the official organ of the French Government. I say, in that state of uncertainty, the trade and commerce of this country have felt very considerable alarm; and I think it only reasonable that some information, that some satisfactory explanation, should be given by Her Majesty's Government. But if the noble Lord will rise, and, in somewhat more distinct language, tell me that the consequence of this Motion is dangerous to the public service, of course I cannot hesitate in the course which I shall pursue. At the same time, I appeal to this House and to the country to bear me out—that I am no longer under any responsibility, and that the responsibility falls upon Her Majesty's Government. Of course, I was ready to take that responsibility which such a Motion would throw upon me; and unless it were distinctly understood that Her Majesty's Government now take that responsibility in delaying this Motion, I should be guilty of a very great dereliction of public duty. I repeat, that if the noble Lord will rise and state that it is his belief I should endanger the public service by pressing this Motion, I shall not hesitate to abstain from doing so.

VISCOUNT PALMERSTON: I think, Sir, I stated as plainly as words can put it, that I thought the discussion of the Motion at the present time would be attended with inconvenience and injury to the public service.

MR. DISRAELI: Sir, this a very important question, and I think we ought not to allow it to pass altogether unnoticed. One may easily adopt the impression that an independent Member gave notice of a Motion on a most important subject, which Her Majesty's Government consider to be of an inconvenient character; and no doubt a Minister of the Crown rising and appealing to the Member, would be supported, as under ordinary circumstances, and as the noble Lord may now even be supported, by the House. But I must remind the House that is not the case of the hon. Member for Aylesbury. Only a week ago the First Minister of the Crown, in this House, himself indicated his wish that this subject should be brought forward, and his readiness to meet the Motion of the hon. Member for Aylesbury; the noble Lord himself fixed the day on which it should be brought forward. What follows from what has taken place to-night? Why, that may follow which, unless removed by the representations of Her Majesty's Government, may have a very dangerous effect on public opinion, because if the noble Lord the leader of this House was anxious and ready only a week ago that this subject should be brought forward, and if we are told now the bringing it forward will be injurious to the public service, it follows that in the interval of one week circumstances have occurred which have changed the opinion of Her Majesty's Ministers. I am not for a moment saying those circumstances have occurred. I hope they have not occurred; but, unless they have occurred, I see no reason why the noble Lord the Member for Tiverton should appeal to the hon. Gentleman the Member for Aylesbury, and ask him to postpone his Motion indefinitely. The hon. Gentleman is in exactly the same position as he was a week ago, unless circumstances have occurred which have rendered our position much less advantageous than at that time. ["No, no!"] I hear a murmur of No! That is exactly the point we have to discuss, and it is merely to notice that important point that I have risen. It is not by murmuring "no" that an answer can be given to criticism of this kind. It is essential to the satisfaction of the public mind that we should be better informed on this subject. If during that interval of a week circumstances have occurred of such vast importance and gravity that Her Majesty's Ministers are authorised to take a precisely contrary course to that which they were ready to take a week ago, a declaration of that kind would render every Gentleman silent. But if that be not the case, if circumstances of great danger and gravity have not occurred, then I say the hon. Member for Aylesbury incurs grave responsibility if he omits to do his duty to his constituents and to the country, and to bring forward an important subject which the First Minister of the Crown, in this House, had previously invited him to do.

MR. BRIGHT: I think with regard to the main question, no one has a right to find fault with the hon. Member for Aylesbury, if he consent to the proposition of the noble Lord (Viscount Palmerston), because any Member of this House—the right hon. Gentleman (Mr. Disraeli) himself—is at liberty to give notice and to bring the question forward on the earliest day which can be secured, and an opportunity is not very difficult to find, if anybody is determined to obtain it. I am one of those, however, who think the hon. Member for Aylesbury will exercise a very wise discretion if he does not bring this question forward at this time, and I will state in a very few words the reason why I am of that opinion. In this country there is probably no diversity of opinion with regard to certain circumstances which are occurring abroad. We all know it is very easy to get up in the House or in the country, where people are rather of a pugnacious disposition, a feeling, which may seem justified, of a wish to protect the weak against the strong, and that feeling may be pushed to that extent, that all efforts by the Government, how-praiseworthy and patriotic, to preserve peace may possibly be frustrated. Now, if I thought the Government at this time were pushing the country to war—a war which would be unpopular in this House, and hateful to the people—then I think any one would be justified in insisting upon discussion, that this House might bring its power to check the Government; but that is not so on the occasion before us. I speak particularly of the Prime Minister. So far as his conduct is concerned in this matter, I have the utmost confidence in the course he is disposed to take. I take it for granted that the noble Earl will maintain peace, if it be possible to maintain peace, consistently with the character and position of this country. Well, having that confidence, I think it highly probable the discussion of a question like this, in a popular assembly, may have the effect of damaging the object which I have so much at heart; and it is because I am of that opinion—not that I shrink from the discussion of any question before this House, or in this House, if opportunity rendered it desirable—yet, it is because I hold that opinion that I say, though Ministers of course use the phrase when things are to be concealed, that the public service will be injured by discussion. I believe the chances of peace will be damaged if this question, with all the irritating circumstances connected with it, is brought before the House now; and having, as I have, great confidence in the wisdom of the Government, their moderation, the conciliatory course which they are disposed to take under any difficulties of this kind, and hoping that by that course they will be able to keep this country from the untold and inconceivable calamity of hostilities with Russia or any other country, I beg the hon. Member (Mr. Layard), not to bring forward his Motion now. I am quite sure that in course of time he will see the wisdom of the course recommended by the noble Lord (Viscount Palmerston), and which I should recommend. It may be, some will taunt him with not bringing it forward; but if, to-morrow or next day, persons in the press, or in this House, or anywhere else, taunt him with want of spirit and neglect of duty, he will have the satisfaction of knowing, and it will be acknowledged before long, that he withdrew his Motion because he was anxious to help the Government in the steps they are taking to preserve the peace of this country and the peace of Europe.

SIR GEORGE GREY: I rise, Sir, merely for the purpose of expressing my dissent from the inference which the right hon. Gentleman (Mr. Disraeli) draws from the course pursued by Her Majesty's Government on the present occasion. He has inferred, as a necessary consequence of that course, that we must now be in a far more disadvantageous position than we were a week ago—that circumstances of gravity and danger must have arisen in the interval which induced Her Majesty's Government to make an appeal to the hon. Member for Aylesbury to postpone his Motion. Now I must confess, without pretending to any knowledge of the facts of the case, that I draw a totally different inference from that appeal. The speech of the right hon. Gentleman appeared to me to be calculated to produce great and unnecessary alarm. But the inference which I draw from what has taken place is, that the prospect of bringing about an amicable adjustment is better: and the Government apprehend that discussion now, leading to an irritating debate, might tend to mar the prospect of an amicable settlement, which we all desire to see as the result of this question.

Mr. HUME: Mr. Speaker, in all the experience I have had, it does not occur to my recollection that resistance has ever been made to such an appeal as that of the noble Lord (Viscount Palmerston); and being one who has great confidence in the moderation, firmness, and judgment of the First Minister of the Crown, I am disposed, with my hon. Friend the Member for Manchester (Mr. Bright), to think the hon. Member for Aylesbury will act wisely and prudently in not urging any discussion at present. It is quite true, publicity is, on almost all occasions, of advantage; but there are exceptions, and I think this is one. The object of this country is to keep at peace with the whole world—not that I would have the country ready to submit to insult, or to give up that which would derogate from its honour; but I think the hon. Member (Mr. Layard) will act wisely in giving an opportunity to Her Majesty's Government to point out, on an occasion of so much importance, when this discussion shall be brought forward. He must not mind what persons may say, and I hope that, with the view of promoting peace, or assisting the amicable arrangement of the present difficulties, he will accede to the wishes of Her Majesty's Government.

Lord DUDLEY STUART: I think I can recall to the recollection of hon. Gentlemen a circumstance which may possibly make them think it is not altogether presumptuous in me to address one or two observations to the House on this subject. The circumstance is, that the Motion of which my hon. Friend the Member for Aylesbury has given notice, was given notice of by myself some months ago, and when my hon. Friend was not in this country. He was then at Constantinople; but on his return to his place in Parliament, it was the wish of many of his friends and of mine, and of those taking a great interest in this subject, that I should make it over to him. I most willingly acceded to their desire, and surrendered it into his hands, convinced that he possessed much greater capacity for doing justice to the subject than I did. Having done so, I may be supposed to feel peculiar interest in the course which he is about to adopt, and to have some title to express my opinion upon it. I certainly do lament the course which Her Majesty's Government think it their duty to take on this occasion. I cannot myself see the injury which is likely to arise from the subject receiving deliberate discussion in this House. I should have thought myself that such a discussion would be likely to strengthen the hands of the Government, supposing they are going to take, as I am ready to suppose, a right and honourable course. I hope they mean to take measures calculated to maintain peace (which I suppose we all desire), and which will not expose us to the reproach of falling away from any engagement, or of violating any assurance which this country may have given in support of a just cause to any other country. The House will, no doubt, see there is a great advantage in maintaining peace—that peace ought to be maintained by all means consistent with the honour and true interests of this country. But there is such a state of things as having a peace entailing half, if not all, the disadvantages of a war. There is such a state of things as having large armaments, as expensive as if there were war. There is such a state of things as having a foreign army occupying the territory of another State, and subjecting the inhabitants of that State to all the evils, the expenses, the cruelties, and the sufferings of war, and all in the name of peace. I am desirous of seeing peace maintained, but maintained in such a way as not to sacrifice our interests, nor depart from our good faith. I hope that the dexterity and the spirit of the Government will compass both these ends. I should, however, have thought that the noble Lord (Viscount Palmerston), who has always prided himself upon giving fuller information than any other Foreign Secretary, would have been anxious to grant further information; but since the Government take the responsibility of asking the hon. Gentleman (Mr. Layard) not to press his Motion—since they do not feel the necessity of the support of the representatives of the people—I think there is but one course left to the hon. Gentleman, and that he cannot, with any propriety, do otherwise than consent to the appeal that has been made to him. But though, under the circumstances, the delay may be assented to, the House and the country will at the proper time expect, and insist upon having, the fullest information on all these points. They will know whether there has been within the last week any change, as seems to be suspected on the opposite side, in the motives and measures of the Government. They will be acquainted with all the circumstances which made the Government at one time apparently desirous that this Motion should be brought on, and at another that it shall be put off.

MR. LAYARD: After what has fallen from the noble Lord (Viscount Palmerston) and others, I have no difficulty in acting on this occasion. After the appeal that has been made to me, I can have no hesitation in withdrawing this Motion. But I trust, however, the noble Lord will permit me to bring it on again whenever the public service will admit of my doing so.

STATE OF IRELAND—THE ARMS ACT.

MR. I. BUTT then rose to ask the noble Lord the Secretary of State for the Home Department when the intention of Her Majesty's Ministers with reference to an Arms Act for Ireland would be stated to the House, and if it was intended to introduce any Bill, when that Bill would be brought in? He had asked the noble Viscount at the head of the Home Office a fortnight previously, and that noble Lord said the subject was under consideration, and that he would intimate to the House what decision should be come to. He believed that the time was now come when he might reasonably expect a definite answer to his question. A very few evenings ago he had moved for returns intended to show that this Act was not a dead letter, but was now actively enforced by the Irish Executive for the purpose of maintaining the public peace in many districts of Ireland. When he moved for these returns, the absence of the noble Lord the Secretary of State prevented him from receiving an answer to the question which he now put. He must once more earnestly intreat the attention of Her Majesty's Ministers to this subject—one all important to the peace and prosperity of Ireland. As he had on a former occasion stated, this Act would expire on the 31st of August. Unless some provision were made to supply the place of its enactments, there would then exist no power to restrict or control the possession of arms by any persons in Ireland. He must again remind the noble Lord the Secretary of State for the Home Department, that, with one exception of one year, Ireland had never been without a law controlling the possession of arms. In 1846, the Ministry of the noble Lord the Member for London attempted, for the first time since the Revolution, the experiment of dispensing with those powers, and permitting to all persons the unrestrained use of arms. The result had been an enormous outbreak of outrage and crime. He saw with great satisfaction the present tranquillity of Ireland. He earnestly implored of Ministers not to risk the permanence of that tranquillity by throwing away the power which they were using to keep the country tranquil. Since first he directed attention to this subject, accounts from Ireland had added to the anxiety which he then felt. Outrages had taken place of a character quite sufficient to excite vigilance—outrages occurring, he regretted to say, at a most unusual period of the year. He warned the Government that if they permitted the powers of this Act to expire, the long nights of winter might bring, in some parts of the country, a repetition of the scenes that followed the last experiment of the kind. The result of that experiment the noble Lord the Member for the city of Dublin thus described in that House in the month of August, 1849:—

> "At the very commencement of the present Government we proposed to continue an Arms Act which we found existing on the Statute-book. . . . . . . It was pressed upon us that the people of Ireland might be safely left to the exercise of their own discretion, and that the experiment should at least be tried of having no Act of restriction or coercion. We said we were ready to see if the peace of Ireland could not be preserved without any such Act, and we consented not to have any such powers. What was the consequence? Why, the open purchase of arms by persons who purchased them for the purpose of disturbing the peace of the country—for the purpose of making the highways unsafe—for the

purpose of making the home of the industrious farmer unsafe—and for the purpose of placing the whole country in a state of insecurity. I confess that I never felt the weight of responsibility more than when I was brought to consider that our parting with those powers, in our confidence in the disposition of the people, had tended in a great degree to encourage that state of disturbance and insecurity. This, I say, was a lesson to me, not prematurely to part with these powers."

This was the description given by the noble Lord of the solitary attempt to govern Ireland without an Arms Act. He might, perhaps, be permitted to hope that the noble Viscount would be able now to give him more explicit information than his former questions had been the means of eliciting. No one entertained a more sincere admiration than he did for that unrivalled felicity with which the noble Viscount had the tact of parrying questions he did not like, and by which he generally managed to make his answer afford more amusement to the House, than information to his questioner; but still he trusted the noble Viscount would feel that this was not a subject to be thus lightly dealt with. After the statement they had heard, it was nothing impossible for the Cabinet of which the noble Lord (Lord John Russell) was a Member, to take upon themselves the responsibility of repeating the experiment of 1846. But he must remind the Government that the Session, at least they might hope so, was drawing to a close. Were they sure that their Bill would not be opposed? It was the resistance offered to the Bill in 1846 in the last months of the Session that led to its abandonment, with all the consequences that ensued. The Bill of 1846 had been abandoned on the plea of the lateness of the Session: the same plea might be put in on the present occasion, if the matter was permitted to rest any longer. Therefore he (Mr. Butt) had asked the question he now put a fortnight previously. This was not all: the moral effect of that legislation depended upon its promptness, and this was no light element in its success. Nothing would be more disastrous to the peace of Ireland than that any impression should go abroad that the Government had the slightest hesitation to arm the Executive with due power to suppress outrage and punish crime. If they intended to give this protection to the well-disposed, never was there a case to which the maxim *Bis dat qui cito dat* could with more truth be applied. They must decisively show that whatever might be the political opinions of any persons connected with the Government, there was one thing upon which they were resolutely determined that they would not for one moment palter with that hideous system of assassination which had so often stained Ireland with blood. And as prompt legislation on the subject would have more effect, under such circumstances, than delay, he hoped it would be considered that he was justified in again asking the question which he had put to the noble Lord a fortnight previously, without having since received any intimation in reply.

Sir JOHN YOUNG said, he could not see that there existed any grounds for the supposition that there was any, the least, intention on the part of Her Majesty's Government not to use every means in their power to preserve the peace of Ireland, and secure its inhabitants and their property from outrage and violence. The subject had been fully considered by the Government, and their minds were made up on the matter. Due notice, therefore, would be given of the period of introducing a Bill.

Lord NAAS said, he held that the House and the country had a right to a distinct answer to the question, whether the Government intended to renew the provisions of the Crime and Outrage Act for Ireland during the present Session.

Mr. MACARTNEY said, he felt considerable regret at the evasive manner in which the right hon. Baronet (Sir John Young) had treated the question put to him by the hon. and learned Member for Youghal (Mr. I. Butt). The continuance of an Arms Act was the only security for life in Ireland; and every Member in that House must be aware of the serious outrages which had taken place there, and which would undoubtedly continue to take place, if the uncontrolled use of firearms were permitted. In a very short time there were no less than fourteen persons to be put upon their trial for the illegal use of firearms; and he trusted that some measure would be introduced on the subject before the expiration of the present Sessien.

Sir WILLIAM VERNER said, he could not possibly understand the hesitation of the Government to answer the question which had been put to them. Every Member of that House must be aware of the number of assassinations in Ireland, and, but that he feared to weary the House, he could quote the opinion of several eminent Judges, which was unanimous that nearly all those outrages took place in Ireland in consequence of the people of the country possessing firearms.

SIR JOHN YOUNG said, that in answering the question of the hon. and learned Gentleman (Mr. I. Butt), he had not, it appeared, quite understood its import. He had answered it under the impression that it was an inquiry into the provisions of a measure about to be introduced.

MR. SIDNEY HERBERT said, that it was considered advisable by the Government to examine all the evidence which could be collected on the subject; but, when the state of public business would allow of it, it was intended to bring forward a measure on this subject.

House at its rising adjourned to *Monday* next.

GOVERNMENT OF INDIA BILL.

Order for Committee read.

MR. BLACKETT said, that it was impossible for him not to have perceived, by the vote of the House on a previous occasion, that he should be unable to change the decision to which they had come, that the double government of India should be continued, and that there was necessity for immediate legislation; yet he did hope that the right hon. Gentleman the President of the Board of Control would listen to any reasonable remonstrances which might be made to him on the subject. He wished to know if the right hon. Gentleman had secured the first necessary condition for carrying out the measure, if it were passed into law, and that first condition must be the consent of the Court of Directors of the East India Company to accept the government of India under altered provisions? They had had up to the present time no intimation as to how far the proposition of the right hon. Baronet had been accepted by the Court of Directors, so far as they were represented in that House. He could not help remarking the contrast presented by the preamble of the present existing Charter Act, and that of the proposed measure. In the preamble of the late Charter, it was stated that the Court of Directors of the East India Company had consented that all their rights and interests should be surrendered, and their right of trade suspended; but in the preamble of the proposed measure it merely said that it was expedient to provide for the government of the territories in the possession of the East India Company. It seemed to him reasonable to suppose that the Court of Directors would have an inclination to reconsider the expediency of continuing the Government of India under an altered state of circumstances. The hon. Member for Montrose (Mr. Hume) had moved for certain papers which would have afforded some information as to the views of the subject taken by the Court of Diretors; but as they had not been yet furnished, he could only express his opinion that the information which existed indicated dissent to the measure on the part of the Court of Directors. In a letter signed by the Chairman and Deputy Chairman, dated the 2nd of June, a fear was expressed that the selection of the Government nominees at the Board of Directors might be influenced by political motives, and also an objection was made to the reduction proposed to be made in the number of the Directors, and to the civil appointments being thrown open to public competition. If that should be the feeling of the Directors, he should like to ask the right hon. Gentleman the President of the Board of Control, first, if he had made any provision to secure the consent of the Directors to continue the Government of India, and accede to his proposal, and, secondly, what were the steps he intended to take in the event of their not giving their consent. He was quite aware that on the occasion of the passing of the last Charter Act, the Directors had delayed giving a favourable opinion till a late period; but still the House of Commons were bound to contemplate the adverse contingencies, and not to rest secure without their consideration. The next point to which he would refer, was the false principle displayed in the manner in which the Bill was drawn up; and, whatever might be the differences of opinion as to the best form of government for India, every one would admit that the subject was one of paramount importance, and in the construction of such a measure, the object to aim at ought to be clearness and simplicity. The present measure was invested with a different character from preceding measures affecting India, inasmuch as all those enacted up to the present time had been only of a temporary character, while this was to be a permanent one, and it would be invested with the same character as the Act of Settlement, or the Act of Union of England and Ireland, or of England and Scotland. Every one would admit the importance of the measure; and few persons would deny that in its construction it should as much as possible be made simple, clear, and comprehensive, so that every official person actually serving under the Company might refer to the measure itself to ascertain what his duties really were. So far from that being the case, the first clause revived not only all the provisions now in force of the Act 3 & 4 *Will.* IV., but also all other enactments whatever now in force, not actually repealed by the present Act. He believed that there were few hon. Gentlemen in that House who knew the number of Statutes thus revived by a single line in the first clause; and he would venture to say that the right hon. Baronet the President of the Board of Control was not fully aware himself. It appeared from a book published by order of the East India Company in 1841, that the laws affecting the Government of the Court of Directors were dispersed through upwards of 100 volumes; in some cases the Statutes were to be found in the form of entire Acts of Parliament especially devoted to the subject, in other cases surrounded by objects of interest unconnected with India. No less than 176 Acts of Parliament had been passed in relation to India, and this Bill would be a revisal more or less of the whole of them. Would it not be better to repeal all these separate Acts, and then to enact a new one? It seemed to him only proper that when obligation was laid upon persons for the performance of duties, they should have the means of informing themselves as to what those duties really were. After the passing of this Act, the Directors would be subject to no check, unless private Members took the trouble of rummaging through the old Statutes, and finding out what the law really was. It might be customary to continue laws in such a manner; but he did not think that the present Government, containing some of the followers of Sir Robert Peel, ought to adopt such a course, for it was his principle that if in any Act it became necessary to retain an existing law, the best way to do so was to repeal the existing law, and then to re-enact it with the new measure; and, with the innumerable Statutes in force with regard to India, he (Mr. Blackett) thought that to legislate upon that principle of Sir Robert Peel was the only way to shape a simple and efficient measure. He would mention one case to the House, in order to illustrate the discrepancies which might arise from reviving all the old Statutes connected with the Government of India. By the 43rd clause of the last Charter, the Governor General in Council had the power conferred upon him to regulate, if necessary, the internal legislation of India; and no one who had read the clause could doubt that it had been intended by Parliament to bestow upon him full powers of legislation. Mr. Cameron, nevertheless in his evidence before the Committee of the House of Lords, stated that a measure thus introduced was stopped by a prohibition of the Court of Directors, and when the Governor General in Council remonstrated on the subject, it seemed, according to the evidence of Mr. Cameron, that he received a reply confirming the prohibition. The Directors had appealed to the Solicitor General and the Attorney General, who had found them a warrant for their prohibition in some old charter of William III. He trusted he was not too sanguine in pressing on the right hon. Gentleman the President of the Board of Control the importance of his reconsidering the first clause, and attempting to introduce a measure which should be complete and satisfactory. Before proceeding further, the right hon. Gentleman ought to inform the House whether he had any reason for supposing that the Court of Directors would consent to assist him in carrying it out; and he wished to impress upon him the propriety of postponing the first clause until it could be satisfactorily reconsidered.

SIR CHARLES WOOD begged to inform the hon. Member, that, although the Court of Directors entertained great objection to many parts of the Bill, there was not the slightest reason to suppose that, in the event of its becoming law, they would not consent to remain and conduct the government of India under such conditions as the Act might impose upon them. As to the hon. Member's suggestion for postponing the first clause, he could not understand with what object it was made, unless it was meant that all the existing Statutes relating to the Government of India should be repealed, and only such parts of them re-enacted as it was intended should continue in force. [MR. BLACKETT: Hear!] Such a consolidation of the law would be a gigantic undertaking, and if the passing of an India Bill were made dependent on the execution of this Herculean task, all he could say was, that the Bill would not pass during this or the next Session.

MR. BRIGHT said, the right hon. Gentleman had just given the sort of answer he expected. He said it would be a gigantic undertaking. Well, he (Mr. Bright) thought this Bill showed that with regard to India, the right hon. Gentleman was not competent to undertake anything of a gigantic character. But if it were a gigantic labour to consolidate these laws, it must be a matter almost of impossibility for individuals to find out what the law was with regard to India. The argument the right hon. Gentleman used was just the strongest possible argument for consolidation. The right hon. and learned Member for the University of Dublin (Mr. Napier) had undertaken a measure of this nature with regard to the laws affecting landlord and tenant in Ireland, and, when he was Attorney General for Ireland, consolidated 200 Acts of Parliament, and put them all into one Bill. He put them before a Committee; the Bill was passing through the House, and he believed all connected with Ireland would admit that the result of that labour would be a vast benefit to Ireland. Then Sir Robert Peel on one occasion consolidated Acts relating to the Customs and Excise to a very large extent; and not long ago the Chairman of Inland Revenue proposed to consolidate the law with respect to the soap duties, which comprised thirty Acts of Parliament. Surely if in these matters consolidation was desirable, it was more desirable when interests of such magnitude were at stake. He thought the right hon. Gentleman had made a most flimsy excuse for not having done what it was his duty to do. Last year, in reference to the Militia Bill, he (Mr. Bright) made the same objection, and he believed there was not a man now of all those engaged in carrying out that measure who, if his life were at stake, could ascertain what was the law with regard to that particular force. Then there was another measure, the Income Tax Act, which revived Acts passed on the subject; and the consequence was they were in a state of confusion on the matter. Here were three measures within two Sessions of an important character in which that slipshod system of legislation was adopted, and that was done because it would be too gigantic a labour to do it properly. The interest of India and the means of the people to understand the law they were under, were to be considered as nothing; but a Bill was to be brought forward in June, any sort of a Bill, to keep up the Government of India; and whatever was done, be it right or wrong, was to be rendered permanent, simply because the President of the Board of Control had not time to do the thing properly. It was only another proof of the unstatesmanlike conduct of the Government, in bringing the measure forward at such a period of the Session that there was not time to discuss it. The Speaker was in the Chair till half-past two o'clock on Tuesday morning, till half-past three on Wednesday morning, and this morning till three; and, for anything he knew, he might be in the Chair till four o'clock to-morrow morning, and he had had to come to the House at twelve o'clock to take the Chair again. There might be men whose physical frame could endure it, but no mental frame could. This state of things excited the ridicule of the country, and made that House appear one of the most impracticable assemblies in the world. And yet in such a Session as this, the President of the Board of Control insisted upon bringing this ill-advised and clumsy scheme before the House, and, he presumed, congratulated himself that, wearied as they were by labours to which they ought not to be subjected, the Bill would pass, and the Government of India would be put to sleep again for an unknown number of years.

MR. J. G. PHILLIMORE said, if the House undertook to legislate at all it ought to legislate in a proper manner, and prepare a proper measure. It was impossible to conceive a more disgraceful specimen of indifference to the great interests at stake than the clause to which allusion had been made; and he trusted the right hon. Gentleman the President of the Board of Control would not ask the House to pass it. Bacon remarked, the continual heaping up of laws without digestion, made chaos and confusion where order should prevail, and rendered law a snare instead of a protection. It was a violation of the most obvious duty of Parliament to legislate in such a manner for so many millions of people.

MR. HUME said, everything that had taken place since the introduction of this Bill had satisfied him that the course which he had recommended at first was the course which ought to be adopted now. It would have been more honourable to the Government if they had taken time to prepare a suitable Bill, more especially when it was not a temporary but a permanent Bill that was now brought before them. The points submitted by the hon. Member for Newcastle (Mr. Blackett) were unanswerable; and by passing such a measure he believed the House would neither be doing justice to this country nor to India. Whenever a Bill was introduced affecting complicated interests, all previous Acts ought to be repealed, and the parts intended to be continued should be re-enacted in that Bill. That was the course which had been recommended by three Committees. If the Government had only taken sufficient time, they might have proposed an efficient measure, under which they would have been able to govern India in a proper manner. But they had not thought proper to do so, and therefore had justly incurred the reproaches of the hon. Member for Manchester (Mr. Bright), who had not applied an epithet to their proceedings which was not perfectly justifiable. The present measure was without a parallel in the history of legislation. It was admitted to be a subject of great importance, and a Committee was appointed to take evidence relating to the past, with the view of preventing abuses for the future. That Committee had reported only on one head out of eight. They would on Monday present evidence on three or four other heads. That would be all the information the House would have before them, and yet they were called on to legislate on the matter. Such legislation would be disgraceful to the most paltry vestry in the kingdom. When petitions were sent to a Committee, it was their duty to state their readiness to hear evidence in support of the allegations of those petitions. But they would not allow the natives to come forward and state their views. If they intended to hang a man, the least thing they ought to do was to hear what he had to say first. In considering the interests of India, they ought to have heard the natives. The present measure was a violation of the bargain made in 1833 with the East India Company, which was to have lasted till 1874. The Government were not warranted in destroying the representative character of the governing body, and making it partly elective and partly to consist of nominees. It was the duty of that House to consider how the misgovernment of India had taken place. The Government had not been able to carry out such public improvements as were desirable, in consequence of the want of funds. But had the revenue decreased? On the contrary. Why, then, was there a deficiency? Because the Board of Control had thought proper to waste the resources of India in wars, with more than one of which India had no connexion. The present Bill would unsettle and leave everything in an unsatisfactory state; and he must protest against it as unstatesmanlike, and not suited to the requirements of India.

House in Committee; Mr. Bouverie in the chair.

Clause 1 (Until Parliament shall otherwise provide, the British Territories in India to be continued under the Government of the Company, subject to the provisions of this Act).

Mr. PHINN said, he would now beg to move the Amendment of which he had given notice. It would be unpardonable in him on the present occasion if he were to detain the Committee at any length in stating his reasons for proposing these Amendments. On the second reading of the Bill he had been permitted to address the House upon the subject at some length, and the question was, he apprehended, in a very different position now from what it was then. The House by a large majority had decided, first, that it was desirable to legislate in the present Session; and, secondly, that it was desirable in some form or other to keep the East India Company as the body that was to manage that country. But the question arose, in what proportion ought India to be managed by the East India Company, and in what proportion by the Crown? Of all the questions raised upon this subject, none had been more frequently mooted than the question whether it was or was not desirable that the anomalous system of the Government of India in England by a Company should cease, and whether the name and influence of the Crown should not be predominate. That argument had been urged by Pitt and Burke, and by Lord Melville, in 1813. If it was important to discuss that question formerly, it was much more so now, when the Bill before them professed to be a permanent measure—for the words "until Parliament shall otherwise provide" could only be regarded as mere surplusage, the real intention being to make the Bill a permanent measure. Formerly the Bills passed for the Government of India were mere leases given from time to time to the Company; but he apprehended that the present Bill, as construed by any lawyer, would be taken to mean that it was a permanent settlement of the Government of India. The question then arose, how far was it desirable that whatever power and influence they retained on behalf of the East India Company should be maintained, and how far was it desirable that the right of the Crown to govern India should be asserted? The hon. Member for Rochester (Sir H. Maddock) had, with great effect, enlarged on the necessity of bringing the influence of the Crown to bear on that Government; and the same arguments were enforced by the hon. Member for the West Riding (Mr. Cobden), and also by a right hon. Gentleman who had been President of the Board of Control; but in the course of the very able reply of the right hon. President of the Board of Control, he never once adverted to this point. To argue this question on theory and speculation, was absurd. No one would deny, looking at the whole theory of our Government, and the character of our institutions, the right of the Crown to govern all its dependencies. Lord Grenville clearly stated this doctrine in 1813, and it was the doctrine held by all their most eminent statesmen. In permanently legislating for India, then, the question arose, whether it was desirable or not that the power of the British Crown, and the right of the Queen to be considered the Sovereign of India, should be asserted? It might be true that, from use and habit, the natives of India were accustomed to deal with the Company and the form of government that existed; but it was clear that that state of things had not been counted upon to last for ever; they had it always in contemplation that a time would come when it must cease. The vast additions made to our territories since 1813 of nations that had always been governed by monarchies, were so many reasons why a change of the present system should take place. The power and influence of the Crown were felt in this country to be the great spring of action in all matters of government, whether to reward or punish; and how beneficially might they not expect the same influence to operate among the natives of India? It could not be doubted that they would prefer being under the government of the Crown to the government of the East India Company. He might be told that this was a fanciful and speculative view of the subject —but he would refer, in proof of its importance, to the evidence that had been given before the Parliamentary Committees. In his evidence before the Committee, Lord Ellenborough gave the weight of his high authority to the proposal for conducting the government of India in the name of the Crown. The hon. Member for Honiton (Sir J. Hogg) attempted to cast a slur upon the evidence of the noble Lord by saying, that this was his opinion only after he had been recalled, and that it was an opinion which he did not hold before he was appointed Governor General. Now, he must condemn this mode of imputing motives of the lowest kind to a nobleman who had held the government of India, and who, whatever the Company might think, had governed the country greatly to the satisfaction of the people of England. Would it not be more charitable to say that Lord Ellenborough held a contrary opinion to what he now did, before he had the experience which his position as Governor General gave him, and that the result of that experience was the opinion which he now entertained? But Lord Ellenborough was not alone in this opinion. Then there was the evidence of Mr. Halliday, who had been, and who continued to be, a servant of the Company, who stated that the natives would have more reverence for the authority of the Crown than for that of the Company, and who added, that though he did not say the present system was "a sham," it had "somewhat the appearance of a sham to the natives of India." Mr. Sullivan, in his evidence, also spoke of the love of the people of India for hereditary royalty. He might cite the opinion of another gentleman, also, who he hoped would have entered the House before these discussions closed, but he was sorry to find he was disappointed—he meant Sir Erskine Perry. That gentleman thought that such an arrangement would tend to simplify the working of government, and that the Indian servants of the Government would become more alive to their position. The native princes of India would prefer to deal with the Crown; and though its effect upon our native subjects in India would not be great, yet what effect there would be would be undoubtedly good. Now it was remarkable that he had not been able to find throughout the whole of the evidence, where questions upon this subject had been put, any contrary opinions from those he had quoted. It was possible such an answer might exist, and have escaped his research, but he had looked diligently and could not find it. There were several objections taken to the course he recommended. In the first place, it was said that, according to the Act of 1833, they would thereby be rendered liable for the debt of the Government of India; but those who said so seemed to forget that the debt must be taken up at all events in 1874. Another objection would be taken, perhaps, to his proposition on the ground of the effect it would have upon the army, and on treaties with native princes. Now, he apprehended that there was no native prince who would not prefer to have the contracts between him and the Company transferred to the Crown, for he would then find that, instead of being referred first to Leadenhall-street, next to the Board of Control, and then back again to the Government in India, he could apply at once to Her Majesty's advisers, directly responsible to Parliament. With respect to the army, the opinions expressed in 1813 by Lord Grenville, favourable to the spirit of his proposition, were equally applicable at the present time; and he (Mr. Phinn) thought the time had now arrived when Parliament ought to pronounce a distinct opinion as to the necessity and advantage of using Her Majesty's name as Sovereign of India. The hon. and learned Member concluded by moving to omit from the first clause the words "until Parliament shall otherwise provide."

Mr. LOWE said, that the hon. and learned Gentleman had not said one word in favour of the Amendment moved, except that the words in question were mere surplusage.

Mr. PHINN said, this first Amendment of his had a bearing upon the second, because if they agreed, in accordance with that Amendment, to transfer the Government of India to the Crown, it would not do, by retaining in the clause the words "till Parliament shall otherwise provide," to hint at the possibility of the Government of that country being at some future time transferred back again to the Company.

Mr. LOWE said, it appeared, then, that all the reason given by the hon. and learned Gentleman for the omission of the words in question was, that another Amendment of his might possibly be carried; but he apprehended it would have been a more logical mode of proceeding first of all to carry that other Amendment. He would, however, take the liberty of arguing the question, though the hon. and learned Gentleman had abstained from doing so. It was true that the words in question were surplusage; but he thought it most desirable that the clause should stand in that respect as at present drawn, for it seemed to him, for reasons he had explained when he had the honour of addressing the House on a former occasion, most desirable that they should not tie up the Government of India for any particular number of years. What was signally complained of was the apathy of Parliament and this country as to Indian questions, the difficulty that they all felt in collecting a House to listen to Indian discussions, and of getting people out of doors to feel a sufficient degree of interest in Indian affairs. The reason of that was, the course of necessity hitherto pursued—namely, of passing Acts of Parliament for the government of India in the shape of lease. The course of proceeding was formerly necessitated by the circumstances of the East India Company having been a commercial company, and every Act passed was in the nature of a contract, as it would have been impossible for the Company to carry on its commercial affairs without knowing from time to time the duration of its existence. In 1833, when the Company ceased to be a commercial company, the same course was continued, because it was necessary for the Company to have time to get in their assets and wind up their affairs. But all this condition of circumstances had passed away, and when in every other case they fixed no limit to an Act for the government of a dependency, why was India now to be an exception? Why was the government of that Empire to be a lease, when the government of every other of Her Majesty's possessions was a fee-simple? It was time that that system, which some hon. Gentlemen advocated, should cease, for it was absurd to follow a precedent when the reasons for it no longer existed; and the effect of the system to which he had referred was to put public opinion asleep, and make the country apathetic with regard to Indian affairs, until a stated period came round, and then Parliament was overwhelmed with Indian grievances. He thought it was high time that this state of things should be put an end to; this system of the tares and wheat growing together till harvest must be discontinued; it would be much better that they should keep their field well weeded from the beginning, and arrest evils as soon as they were observed to spring up. This was the plan adopted with regard to the physical body, and he could not understand why it should not be equally good for the body politic. The only way to get up a healthy public opinion was not to restrict the discussion of practical questions, to shut them up for twenty years together, but to leave such questions accessible to discussion from time to time as they might arise. He thought it best to retain the words proposed to be omitted, for he would let it go forth that the English Government was not disposed to shut its ears to the complaints of its Indian subjects, and though they were not represented in that House, still that the English Parliament were ready to hear what they had to advance, and to redress whatever wrongs they might be suffering under. Such were his opinions, and he should be much surprised to find those Gentlemen who called themselves Indian reformers object to them. As to the second Amendment of the hon. and learned Gentleman, he could not consent to take the issue as the hon. Gentleman had raised it. The hon. and learned Gentleman said, the issue the House had to decide was, whether India ought or ought not to be under the Government direct of the Crown; but he (Mr. Lowe) contended that the issue was, whether the House had not already decided that it did not choose that India should be under the Government direct of the Crown. If the House had so decided, was it not idle to waste time in going over the question again? From the arguments used on the second reading of the Bill, they could judge what it was the House decided. The First Lord of the Admiralty, in the course of his speech, noticed that there were two points to be decided: first, whether the Bill should be temporary; and, secondly, whether India was to be governed in the name of the Crown. That issue was accepted and argued on by the hon. and learned Gentleman himself (Mr. Lowe), by the hon. Member for Rochester (Sir H. Maddock), and other Gentlemen; and upon that issue distinctly raised the House went to a division, and by a large majority notified its opinion. Consequently, the point, whether rightly or wrongly, had already been decided by the House. Another ground of objection to the hon. and learned Gentleman's Amendment was afforded by the structure of the Bill itself; and the hon. and learned Gentleman contented himself with inserting certain words in the clause, without expunging others, which if left standing would render his Amendment rank nonsense; and there was hardly a clause in the Bill which would not require rewriting and remodelling if the Amendment were carried. The Act was framed on the supposition of a double government, and he contended, should the Amendment be adopted, there would no longer, in a reasonable construction of the words, be a double government. The question then raised by the Amendment was a question of principle already decided by the House. Then, with respect to officers of the army, was the proposition of the hon. and learned Gentleman no change of government? and if it were, it must be to take the government from the East India Company, and to transfer it to some other authority. It was plain the Amendment was in principle a Motion for the rejection of the Bill, upon which question the House had already decided.

LORD STANLEY said, he apprehended that although two questions had been raised—one, with reference to the duration of the Bill; and the other, with which the Amendment before them proposed to deal, with reference to the point whether the Government of India should be carried on in the name of the Crown or of the Company, the latter was the question really before the Committee. The hon. Member for Kidderminster (Mr. Lowe) assumed too much when he said that that was a question of principle which had been decided by the second reading. The hon. Member had also stated the object of the Amendment to be the doing away with the double government. There had been a great deal of ambiguity in the use of that term, and he could not admit that the carrying on of the Government of India by the Crown would be doing away with the double government. He apprehended that the Government would always be a double government when there was no element introduced into the Government which did not derive its authority either from the Crown or from Parliament, but from some separate and independent body. As the Amendment did not propose to make any alteration in the constitution of the Court of Directors or of the Home Government, he did not think it could be called an interference with the principle of double government. He did not recollect a single witness of any authority on Indian affairs who had pointedly asserted that it would be injurious to carry on the Government of India in the name of the Crown. The change would have a great deal of influence in India, and would destroy the distinction that existed between it and other dependencies. So far as the native princes and the native army were concerned, he believed the effect of the change would be rather favourable than otherwise. Among the various advantages that would attend it, would be the abolition of whatever distinction existed—and sometimes it was considered invidious—between the civil and military officers in that country. The natives undoubtedly looked upon themselves as standing in a different position from Englishmen or British subjects elsewhere, inasmuch as they were subjects of the British Crown, while the natives were subjects of a British Company. As regarded the masses of the people, the Amendment perhaps might not have any important effect; but whatever effect it would have would be beneficial. With regard to the question as to the duration of the measure, he should state his opinion when that question came directly before them.

Mr. PHINN said, that to facilitate proceedings, he would withdraw the first part of his Amendment for the omission of the words "until Parliament shall otherwise provide."

Viscount JOCELYN said, he would state in a few words his reasons for bringing forward the Amendment of which he had given notice, which was to fix a period during which the Act was to continue in force. When he felt it his duty to vote against the Amendment of the noble Lord (Lord Stanley) on a former occasion, he stated that though he thought the present Bill pointed in a right direction, it would require many amendments. In the Bill there were three features: the first was the question of time—the second the introduction of a new class of Directors—the third the question of patronage. He intended to deal with the first—the limitation of time. He thought it would have an injurious effect if they were to give the powers contained in this Bill into the hands of any body of men, without providing a time when they would inquire whether the trust had been abused or not. It appeared to him that it was their paramount duty to provide that the question of the Government of India should come before them for consideration at the end of a certain specified period, not at the instance of a party or of a private Member of that House, but in such a manner as to command attention. With that view he had selected a period of ten years, which would allow the experiment to be fairly tried, without, at the same time, admitting of any serious injury being done to the interests of the people of India. If, at the close of that time, it should appear that the Bill had operated satisfactorily, it would then be for Parliament, after due inquiry, to consider the propriety of continuing it; but if, on the other hand, it should turn out that the trust reposed in the East India Company had not been judiciously exercised, they would then have to decide as to the best mode of conducting the future Government of India. He confessed that he did not wish to see that question made the subject of an annual discussion in Parliament. The Bill now before the House, whatever its merits might be, ought to have a fair trial; and for that purpose he thought it was necessary to fix a period for its operation. It was long enough to admit of a fair trial of the experiment, and not too long for any serious injury to the Government if it should fail. The right hon. President of the Board of Control, in bringing forward his measure, urged two objections to the proposal to limit the duration of the Bill. He stated, in the first place, that it was contrary to the usual practice of Parliament to limit a Bill of this kind; and, secondly, that the effect of limiting it would be to tie up the hands of Parliament, should it be found necessary to alter or amend the Act, until the expiration of the period fixed upon. The reply to the first objection was, that there was no other Act at all parallel to the one now before the House. It was true that Bills relating to colonial government were not limited in point of time; but then it must be recollected that those Bills were based upon the principle of representative government, which was the best check and control they could possibly have. Such was not the case, however, with regard to the present Bill. In India there was no representative government at all, and the people there had no voice in the legislation of the country. The only parallel case, so far as he was aware, was that of 1833, and upon that occasion the Charter was limited to a period of twenty years. He contended, therefore, that upon the ground of Parliamentary practice, no reasonable objection could be urged against his Amendment. With respect to the second objection—namely, that to limit the duration of the Act would be to cripple Parliament in making such alterations and amendments in the Bill as might be deemed necessary—it appeared to him that, if the President of the Board of Control looked forward to annual revisions and amendments, he cut away the ground upon which he originally justified the introduction of his measure, for in that case it would be a matter of little importance whether or not they passed a temporary Bill such as that proposed by his (Viscount Jocelyn's) noble colleague (Lord Stanley). If he believed that the effect of his Amendment would be to shut out all legislation until the close of the ten years, he should certainly not adopt the course which he now did, because he was quite aware that it might be necessary to introduce many reforms into a measure of this kind; but he was satisfied that the effect of his Amendment would be very different from what was supposed. What were the facts? The India Bill of Mr. Pitt was passed in 1786, and within three years afterwards two declaratory Acts were required. The Bill of 1833 was amended, four years after it was passed, with reference to the subject of patronage; so that, upon those two occasions at least, the limitation of the Acts did not at all affect the liberty of Parliament to make such alterations and amendments as were considered necessary. If he could even believe that the question of the Government of India might be brought forward, with any chance of being heard, by a private Member of that House, he should perhaps scarcely feel it necessary to propose his Amendment; but when he reflected upon what had occurred in the course of the last ten years, and when he recollected the vain attempts made at various times by the hon. Member for Montrose (Mr. Hume) and others to raise discussions upon questions relating to India, he confessed he was not willing to leave it to the apathy of the House to decide whether or not the great question of the Government of India should be again considered within a reasonable period. He would conclude by moving, as an Amendment, the insertion of words continuing the Act till the 30th day of April, 1864.

Mr. MONCKTON MILNES said, he must oppose the Amendment. He believed that the affairs of India had been well administered, and would continue to be so, and therefore he did not anticipate that any question of Indian policy would come before the House, for some time at any rate. It was not likely that questions connected with India would be a matter of frequent debate, and he should regret it if it were so; but at the same time, if any great abuse occurred, if any grave matter of suspicion arose, if any great revolution took place in the internal affairs of India, or if the Company did not perform the important duties intrusted to them, of elevating the character and position of the people of India to their just level, he believed such matters would press themselves upon the public mind, and discussions would take place in that House upon them; but he did not contemplate the happening of any of these events—he believed that the Government would be and had been a good Government.

Mr. HUME said, he would admit that the object of the noble Lord (Viscount Jocelyn), was the good government of India; but it seemed to him that if the noble Lord thought that if the Bill was a bad Bill for the people, he should refrain from seeking to perpetuate an imperfect measure even for a period of ten years, but should rather leave the question of time uncertain, and allow future Parliaments to deal with circumstances as they might arise.

Viscount JOCELYN said, that in order to meet the objections of the hon. Member for Montrose, he was willing to add the words "or until Parliament shall otherwise provide."

Mr. HUME said, he would now support the Amendment.

Mr. BLACKETT said, he would take the liberty of pointing out an inconsistency in the arguments of the hon. Secretary of the Board of Control (Mr. Lowe), and the hon. Member for Pontefract (Mr. M. Milnes). The former Gentleman protested against the notion of fixing any term, upon the plea that the effect of it would be to tie up the hands of Parliament; whereas the latter offered the Amendment upon the contradictory ground that they would practically perpetuate the Act by omitting to limit the period of its duration. The hon. Member for Pontefract opposed the Amendment upon the additional ground that it was undesirable that Parliament should busy itself with Indian subjects. Surely that was not the opinion of the right hon. President of the Board of Control; for, upon a previous occasion, that right hon. Gentleman expressed his regret at the want of interest, on the part of that House, in Indian subjects, and stated his intention of bringing forward an Indian Budget, avowedly for the purpose of creating and maintaining an interest in such questions, If, therefore, the President of the Board of Control accepted the views of the hon. Member for Pontefract, and thought that the effect of limiting the Act would be to ensure Parliamentary discussion, he was bound to support the Amendment of the noble Lord.

Sir HERBERT MADDOCK said, he felt so perfectly convinced that the Bill would not continue in operation for any number of years, without considerable alteration, that he would advise the House to retain the original reservation. He should vote in favour of the Amendment.

Mr. RICH said, the Bill was a mere experiment, and they ought to ensure the subject being again brought before Parliament. Although he would have preferred a shorter term than ten years, as proposed by the noble Lord (Viscount Jocelyn), yet, with the addition of the words "or until Parliament shall otherwise provide," he should support the Amendment. But looking to the state of that House during the discussion on this Bill, which they were obliged to consider, what did they think would be its condition if any hon. Member proposed to discuss the subject of India in opposition to the wishes of the Government, and of the East India Company? Instead of having their benches as they had now, they would not have one half the number of Members present. The only way in which any hon. Member would be able to bring forward the subject, would be in a way that would be extremely mischievous—by agitation in this country and in India; but if they accepted the proposition of the noble Lord, they might see their way to some change.

Mr. VERNON SMITH said, the question lay in small compass, and was one more of Parliamentary experience, than of either principle or argument. It had been said that the object of the Amendment was to direct the attention of Parliament to questions relating to India. He was convinced that the fixing of a certain period for the working of the Act, would have a directly contrary effect. There had been two renewals of the East India Charter in the present century; and during the whole time he had sat in Parliament, he had hardly remembered to have heard an Indian question discussed with any degree of interest. While he held the office of Secretary of the Board of Control, he experienced the greatest difficulty in making a House when there was an Indian subject to be considered; and the reason he took to be this, that Members would not be troubled with questions relating to India until the expiration of the period specified in the Charter, when they would have an opportunity of discussing them at length. Now was there anything to be said in favour of this colony more than of any other, to create the difference now contended for? The noble Lord said, they had given to other colonies a good government; then give a good government to this. [Viscount Jocelyn: I said a representative government.] In no other case had they taken such a period as was now proposed; and he must say, he thought it was one of the best parts of this measure that it put the Government of India on the same footing as that of other colonies—it gave security to the Government, while it awakened Parliamentary vigilance over it. For those reasons he should vote against the Amendment of the noble Lord.

Mr. HUME said, the existence of this Act, in the eyes of the natives, would be always uncertain, and there would be no security for property in India, from the prevalence of the feeling that the Government would he liable to a continual change. Nevertheless, he must protest against the idea which had been thrown out, of placing India upon the same footing as the colonies.

Mr. T. BARING said, that if the Bill was good, the system of government would be, as far as it well could be, permanent; if it was defective, the Government would be uncertain, and it was for that very ground that he felt strongly in favour of the clause as it stood, and was opposed to the Amendment. The object of all of them must be to obtain a good Government for India; and he would assert that the Government to be established by this Bill would be permanent so long as it was good, or uncertain so long as it was defective. This would be a great stimulant to exertion on the part of the authorities, and for that reason he was opposed to again having a lease of the Government of India.

Mr. DANBY SEYMOUR said, he fully concurred in the observations of the hon. Member who had just spoken. He would also observe that the capitalists of this country would be much more likely to invest their money in Indian securities if no period were fixed for the expiration of the Bill, than if the question of our Indian government were to be discussed again at the end of ten years.

Lord STANLEY said, he was so little satisfied with the measure of the Government that he could not consent to forego any opportunity that might present itself of amending that measure before the expiration of ten years. The practical effect of the adoption of the Amendment of his noble Friend would be, whenever the House might feel disposed to introduce any alterations into the Bill, they should be told that it would expire at the end of a few years, and that then there would be a full opportunity afforded for the discussion of its merits, and the introduction of any improvements with respect to it which they might deem desirable. He had no objection to give the Bill a fair trial, but he was by no means disposed to give it that character of permanence which the Amendment of the noble Lord proposed to give it.

VISCOUNT JOCELYN said, that the only object which he had in view in moving his Amendment, was to render the Bill more efficient than it seemed to him to be in its present shape. He felt, however, that after the discussion which had taken place, he should be doing wrong in proceeding to divide the Committee upon it.

Amendment, by leave, *withdrawn.*

MR. PHINN then moved the insertion in the third line of the clause, after the word "shall," of the words "be governed by and in the name of Her Majesty, Her Heirs and Successors."

Amendment proposed, in page 2, line 5, after the word "shall" to insert the words "be governed by and in the name of Her Majesty, Her Heirs and Successors."

SIR HENRY WILLOUGHBY said, he thought it would be much better to leave the clause as it stood. The natives were accustomed to the present style and title in the Government, and any other, perhaps, would not be so acceptable to them.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 34; Noes 127: Majority 93.

Clause *agreed to.*

Clause 2 (After the second Wednesday in April, 1854, there shall be eighteen Directors of the Company).

VISCOUNT JOCELYN said, he should move as an Amendment, that the Court of Directors should consist, as at present, of twenty-four Members. He did not desire to alter the relative proportion of the Directors to be nominated by the Government, whom he proposed to be eight instead of six, as in the Bill. He could not conceive what objection the Government could have to agreeing with his Amendment, except on the ground of expense. It might, indeed, be said that the Court would be more efficient if its Members were reduced to eighteen; but when they considered the amount of business there was to be done, he did not think it could be said that twenty-four were too many to do it. Possibly, eighteen might be just sufficient for the transaction of business; but, for purposes of deliberation, a body of twenty-four gentlemen would be more efficient.

MR. HUME said, he thought that this was a point of great importance. Parliament had found a difficulty in dealing with the immense patronage of India, and had found it necessary to establish a representative body, in whose hands the patronage should remain. If the Company was to continue to administer the affairs of India, political influence ought to be kept altogether separate from the Government, and you could not attain that object otherwise than by keeping up the number and power of the Directors. The number of electors, too, should be increased, and the system of canvassing ought to be put an end to. He might mention the case of the Royal Society, as affording an illustration of the evils of the system of canvassing. No Society had suffered more from that system, which was at length put a stop to, and the pretensions of individuals were now judged of by a Committee appointed for the purpose. He wished to press on the Government the necessity of leaving the number of the Court of Directors as it was. Improve, if possible, the constitution of the Court, but do not alter the number of Directors, who, if they did their duty, would have their hands full of business.

SIR CHARLES WOOD begged to decline the hard task which his hon. Friend would impose upon him, namely, the task of amending and improving the Court of Directors, and at the same time keeping it precisely as it was, for that was entirely beyond his power. With respect to the Amendment of the noble Lord, he had to say that it was certainly very difficult to give a good reason for fixing upon any particular number of Directors. It was difficult to prove the necessity of limiting them to thirty, twenty-four, or eighteen, or any other number. But he wished to state, that the simple ground on which the Government had proceeded was this—they believed, judging from all experience with regard to other bodies exercising executive functions, that twenty-four was a large and inconvenient number, and therefore they proposed to reduce the number of Directors to eighteen. In 1813 Lord Grenville proposed to reduce the number to twelve; and, in 1833 Mr. Charles Grant (now Lord Glenelg), then President of the Board of Control, repeated the proposal, and only withdrew it in consequence of its being represented to him that, although the commercial character of the Company had been taken away, there still remained the duty of winding up their commercial concerns, a duty which would necessarily occupy them for several years, and would continue to require the labours of the various committees into which the Court of Directors was divided. He might also mention that one of the ablest Members of the Court of Directors (Mr. Tucker), in his dissent from the proposal of Mr. Grant, stated it disdinctly as his opinion that for the transaction of the territorial business of the Company—which he (Sir C. Wood) begged the Committee to bear in mind was the whole of the business the Directors had now to transact—sixteen would be amply sufficient. He begged also to remind them that the uniform course which had recently been adopted with regard to Committees of the House of Commons, in order to render them efficient and responsible, had been to reduce the number. Then, what was the case with regard to the Cabinet Council of the British Empire? Would any body propose that it should consist of twenty-four members? or that the Executive Council of any of our Colonies, however large, should consist of as many as twenty-four members? His own conviction was, that he should receive none but a negative answer to these questions. Well, then, in what capacity did the Court of Directors standt o the Government of India excepting that of an Executive Council? No doubt, it required to be divided into committees for the transaction of its business; but was not that the case with the Cabinet Council, and other executive bodies? He confessed, then, he could not see the force of the noble Lord's (Viscount Jocelyn's) remark that the Court of Directors should not consist of less than twenty-four members, seeing that there was no instance of an Executive Council composed of so large a number of members. The Council of India consisted, in fact, of only four members. He should certainly say that if he were to look merely to the efficiency of the Court as an Executive Council, he should be disposed to reduce the number of Directors even lower than eighteen; but he thought that there was great weight due to the argument, that it was desirable to keep up the independence of the body. He assured the Committee that there was one object which the Government had never lost sight of for one moment, and that was to pursue the course which should be best calculated to insure both the efficiency and independence of the Court of Directors; and he thought that to reduce their number from twenty-four to eighteen was a step in the right direction, with a view to secure their efficiency without in the slightest degree impairing their independence.

MR. T. BARING said, he would admit that there was no magical effect in the number twenty-four any more than the number eighteen; but he certainly thought it was a very sound reason that they should not disturb an existing state of things, unless they had evidence before them that it had worked badly and inconveniently, and that by the proposed change they were likely to improve it. The right hon. Gentleman the President of the Board of Control had said that the present court was a large and inconvenient body. He (Mr. Baring) wished to know what evidence they had of that? He was quite sure that no witness that had been examined by the Committee of the House of Commons on Indian Affairs had stated that the Court, as at present constituted, had worked badly or inconveniently. He had no hesitation in saying that, as far as the evidence had gone, it was in favour of twenty-four Directors. The right hon. Gentleman had reminded them of the proposal made by Lord Grenville in 1813, to reduce the number of Directors to twelve. He (Mr. Baring) thought that they should not altogether be guided by the opinions of the statesmen of 1813. There might be circumstances and changes in the condition of the country which they were called to govern, which ought to produce a great change of opinion. With respect to Mr. Charles Grant, it was undoubtedly true that he proposed in 1833 to reduce the number; but it was equally true that he proposed to reduce the number in proportion to the amount of business to be transacted, as would be seen from the following extract of a letter from Mr. Grant to the then Chairman, dated March 16, 1833:—

> "The number of members of which the Court of Directors shall consist is a matter of difficulty. The obvious diminution of the duties of this Court would seem to render some reduction necessary, and subject to a question how far that reduction should take place before the complete winding up of the commercial concern. Probably it would be well that the Court should be divided into Committees having the care of separate departments of the administration, and in that case it is clear that there must be retained a sufficient number of Directors to constitute these Committees."

He begged the attention of the Committee to the fact that Mr. Grant allowed that the question was "a matter of difficulty," and that he did not speak so decidedly of the necessity of a diminution of numbers as the right hon. Gentleman. The right hon. Gentleman had said that the removal of the commercial transactions of the Company had reduced the amount of business which was transacted by the Directors; but the fact was, that the evidence before the India Committee showed that there was not a reduction, but an enormous increase, of business. What did Mr. Waterfield, for instance, say?—

> "To illustrate the increase of business, a statement was put in showing the number of despatches received from the different Governments of India in 1830 to have been 602, while in 1849 they were 2,445. Previous communications submitted to the Board in 1830 were 173; in 1849 they were 404; draughts of despatches laid before the Board in 1830 amounted to 716; in 1849 they reached to 909; in 1830 the collection of papers appended to the previous communications, or to the draughts, were in number 1,440; in 1849 they were 5,720; the number of pages in those collections in 1830 was stated to be 103,710; in 1849 the pages were 212,075."

It might be said that the Board of Control transacted their business without any increase in their numbers; but he believed the great bulk of the business transacted by the Board of Control was sifted, prepared, and digested by the Board of Directors before it was laid before them. The right hon. Gentleman had asked them what would be thought of a Cabinet Council of twenty-four. Never having had the honour of being a member of the Cabinet, he was not a good judge of how the business there was done; but he would refer the Committee to the Bank of England, which had twenty-four Directors in and six out of office. Would anybody tell him that the Bank of England had much more business to transact than the India House? He did not see that the reduction of the number of Directors from twenty-four to eighteen would provide that the business would be done more satisfactorily than hitherto; and that it had been done in a satisfactory manner hitherto they had not only the evidence of the witnesses examined before the Committee, but the testimony of the President of the Board of Control himself, in his opening speech. On every ground there seemed to be good reasons for maintaining the number at twenty-four. He confessed that there was another very strong reason besides those he had mentioned. It was proposed still to retain the Directors as the agents of Government. Should it be their first act, when they proposed to retain a body as their agents, to disparage that body in public opinion, and to commence by cashiering one-half of them? Was that a way in which they would secure confidence in their agents either in this country or in India? This question as to the number of Directors was not a principal feature of the Bill. The principal features of the Bill related to the duration of the Act, to the introduction of those persons into the Direction whose habits and station would place them above the necessity of appealing to the constituency, and to the question of competition for the appointments. As this was not one of the real features of the Bill, he thought it was a very unmerited slap on the face to a body of men who had performed their duties satisfactorily. He certainly did not think it was asking too much of Government, when no practical inconvenience had been proved, when no real complaint had been made either from India or here with respect to the existing number, that they should continue that number at twenty-four. The right hon. Gentleman had reminded them that the Legislative Council of India consisted of only four members; but the right hon. Gentleman must know that it had been stated before the Committee that several substantial improvements which had been suggested in India had been prevented being carried into effect solely because of the press of business before that body. With regard to the Court of Directors, he did not believe that, even if they were chosen out of the House of Commons, they could get twenty-four men of more integrity or more honour, or less guided by party feeling, than the present body; and it was because he wished to see a proper recognition of that conduct, and because he believed that the business would not be worse transacted, but better, that he wished to retain the number at twenty-four. He believed that the business would be better done by the larger than by the fewer number; for this plain reason—that we had an increased amount of territory in India, and that owing to that increased territory, it was necessary that there should even be an additional number of representatives in the shape of persons who were well acquainted with India, in order that there should be a sufficient number of Directors to supervise the business of the Company; for, although the Company had an invaluable and an almost unequalled body of servants, he did not like to place on the shoulders of servants that responsibility which ought to rest on the Court of Directors. He hoped, therefore, that the Government would not oppose the Amendment—that they would either take the subject again under their consideration, or that they would at once accede to the proposal of the noble Lord the Member for King's Lynn.

MR. BRIGHT said, he thought it was but fair to say that the right hon. President of the Board of Control had brought this Amendment upon himself, because he was chargeable with the most unaccountable inconsistency; for those who were fortunate enough to hear his four hours' panegyric upon everything which the Board of Directors had done, could never have supposed for a moment that he would be the man to propose any alteration whatever in the constitution of that body. However, the right hon. Gentleman said, that, for the sake of giving increased efficiency and responsibility to the Court of Directors, it was necessary that their number should be diminished from twenty-four to eighteen; and he (Mr. Bright) was exceedingly sorry that he did not propose a reduction to twelve. Still, believing that the reduction to eighteen would be to some extent beneficial, be should oppose the Amendment of the noble Lord (Viscount Jocelyn), and support the clause of the right hon. Gentleman. The hon. Gentleman (Mr. T. Baring) spoke of the increase of the business of the Court. Now he (Mr. Bright) agreed with the right hon. Member for Edinburgh (Mr. Macaulay) that it had been one of our mistakes to do so much of the formal business connected with India in England, and leave so little of it to be done in India; and he was satisfied that one of the main elements of improvement in the Government must be the getting rid of a large portion of the ineffective labour that was performed in this country. Sir Charles Trevelyan, in the course of his evidence before the Committee, stated that ninety-nine hundredths of the correspondence with the Home Indian Government was the "merest rubbish," and was of very trifling or but very secondary importance. He should like to know from the hon. Member for Honiton (Sir J. Hogg), or the hon. Member for Guildford (Mr. Mangles), how many of the Directors generally attended the Court meetings, and how much time each gave to the important business of governing this great empire; for it was well known that many of them had large concerns of other kinds to look after, and held the chairmanships and directorships of other bodies which took up the best part of their time and attention; and he believed that although they might walk into the India House in the course of the day, and have their names entered, yet that the actual and positive labour, judging from the experience of all other bodies of the same magnitude, must rest probably with only one-third of the number. If that were so, there could be no necessity for keeping up the whole number of twenty-four. The hon. Member for Huntingdon (Mr. Baring) said that there was no other body so free from party feeling as the Court of Directors. Well, he (Mr. Bright) did hear that it was a fatal objection with the Directors to a gentleman who was a candidate for the chairmanship of that Court, that he had been discovered to be a member of Brookes's Club—a circumstance which did not indicate a total exemption from political bias. With respect to the evidence taken before the Committee of that House, the Chairman of the Committee would know that there was not much pains taken to draw out the opinions of witnesses upon this subject. He (Mr. Bright) knew that distinguished witnesses before the Committee, after having offered evidence of great importance connected with the Home Government, were confined entirely to questions of detail and matters in India itself; and that points which they wished to bring forward relative to the Home Government were, apparently, studiously avoided, and not published to the world. Therefore he thought that the argument of the hon. Member for Huntingdon went for nothing. Now if there was any virtue in this Bill, it was because it somewhat contracted the number of the Court of Directors, and brought them somewhat into a position of greater responsibility to the Crown and to that House; whilst it would thereby diminish the injurious influences which had hitherto operated upon that Court. He trusted that if there was any part of the Bill which the Government would stand to without flinching, it would be this, and that rather than adopt the proposition of the noble Lord (Viscount Jocelyn) for retaining twenty-four Directors, they would prefer bringing them down to twelve. His own opinion was, that, as far as the Home Government of India was concerned, a responsible council of seven members, chosen judiciously from able men, who should have the power when dissenting from the opinion of the Board of Control to record their dissent, would be far better than a Court of eighteen or twenty-four men, chosen in the incongruous and inconsistent manner in which that body had hitherto been elected. For these reasons, he would oppose the Amendment of the noble Lord, which he considered would be fatal to any hope whatever of improving the Home Indian Board.

MR. T. BARING said, he wished to explain, in reference to the remarks of the hon. Member for Manchester, that the Committee had shown an anxiety to hear all the witnesses fully, and to elicit from them, in the manner most convenient to themselves, whatever statements they wished to make; and those hon. Gentlemen who served on the Committee would bear him out when he said that he frequently asked the witnesses if they had any other observations to make. If the hon. Gentleman (Mr. Bright) would furnish him with the names of the witnesses who had been prevented from giving evidence, he (Mr. Baring) should propose to the Committee that they should be recalled, and further examined.

MR. BRIGHT said, that he must explain that what he said was, not that the witnesses had been prevented from giving evidence, but that their evidence was very much confined to details in India, and that they had an impression, in which he himself shared, that questions relative to the Home Government of India were studiously avoided; and great dissatisfaction was felt by the witnesses in consequence of that course of examination.

MR. CUMMING BRUCE said, he must confess that he not only objected to the reduction of the Court of Directors from the number of twenty-four to eighteen, but decidedly thought that, for the due discharge of the functions with which that body was entrusted, the number ought rather to be increased than diminished. Looking at the vast extent of our Indian territories, which contained a population of about 150,000,000, and the States in connection with our Indian Empire, contained about 50,000,000—these States differed materially in language, customs, laws, and religion, and he thought that if the Court of Directors were to discharge their duties satisfactorily, they ought to be divided into committees, each of which should be charged with the superintendence of particular departments. He considered that there ought to be in the Direction gentlemen conversant with the circumstances of the different provinces of India, Bengal, Madras, Bombay, the North-western Provinces, and Scinde. In his opinion, indeed, the number of Directors ought to be about thirty-six. He considered that if the administration of India was to be conducted efficiently, they ought to have permanently-constituted departments, the members of which might be able to devote their whole time to acquiring a full knowledge of the business of their several departments. Under the present system, when a despatch arrived from India, whether it related to questions of politics, finance, revenue, or military affairs, it was sent down to the India House, when it was examined by the chief clerk of the department, who reported the answer which he proposed to give, and the Chairman of the Court of Directors went with that report to the President of the Board of Control, with whom he talked the matter over. He (Mr. Bruce) regarded this system as most unsatisfactory, and he thought that unless they had persons qualified to examine and report upon these questions, the business could not be well done. In the States connected with our Indian territories there was a population of upwards of 50,000,000, with an army of nearly 400,000 men, and questions of the most intricate and delicate nature were constantly arising in connexion with those States, which required the control and decision of the Government. If they had not men who were qualified by their experience to give an opinion upon questions of this kind, there was the greatest danger that they might fall into errors which would entail the most serious consequences. He considered, then, that they ought, in constituting an intermediate body, to control and direct the local Government, and to advise the Ministers of the Crown upon the course which it was expedient to pursue, to take care that the men who held such a position were qualified by experience to discharge such duties. His opinion was, that great injury would be done to the administration of the Government in India if the proposal for reducing the number of Directors to eighteen was adopted by the Committee.

MR. MANGLES said, he could bear out the hon. Member for Huntingdon (Mr. T. Baring), the Chairman of the Indian Committee, in what he had stated with regard to the ample scope which had been afforded to every witness who was examined before that Committee. It must be remembered that the hon. Member for Manchester (Mr.

Bright), and the hon. Member for the West Riding (Mr. Cobden), were members of the Committee, and could have put any questions they pleased to the witnesses. As to what the hon. Member for Manchester had said relative to a gentleman who could not obtain the object of his ambition in the Court of Directors because he was a member of Brookes's, he (Mr. Mangles) could only say that, although it was well known that he himself entertained much more Radical opinions than the members of that club, he had received the support of many members of the Court of Directors when he stood as a candidate for a vacancy in that Court. The functions of the Court of Directors were more of a deliberative and a consultative character, than they were of an executive nature —the functions it had to discharge were to revise and control the operations of the Government of India, which was the proper executive body. There was no question that the state of things which Mr. Charles Grant expected to arise—namely, a reduction in the business which the East India Company would have to transact after its commercial character was abandoned—had never actually occurred. On the contrary, the business, instead of decreasing, had enormously increased, and afforded abundant employment for the whole of the existing Court. It was absolutely essential that the members of the Court of Directors should be personally conversant with the habits, feelings, and character of the people of different parts of India, in order to be able to give sound advice upon the subjects submitted to them. Numberless difficult questions had weekly to be considered relative to the civil, political, and military departments, and at present they were dealt with by men who had served in each of these branches in the different Presidencies; but if the existing number of Members of the Court were to be cut down to eighteen, such could no longer be the case. At present there were three committees in the Court, consisting, the one of eight, and the other two of seven members each, excluding the Chairman and Deputy Chairman of the Court; but, if this clause were adopted, the committees would have to be reduced to six members for one committee, and five members each for the other two committees. The Board of Directors held a Court-day every week. Now, even negroes had holidays; and he did not think the Court of Directors could be expected to sit continuously. With regard to the independence of the Court of Directors, concerning which so much had been said, it was an absurdity to argue that twelve men could not be easier dealt with than twenty-four. His right hon. Friend (Sir C. Wood) had spoken of the inconvenience of the present number of Directors; but no proof whatever had been offered of this inconvenience, and he should, therefore, vote for the Amendment.

Lord STANLEY said, he entirely agreed in the propriety of effecting the reduction proposed in the Bill, whilst he acknowledged the necessity of proceeding, step by step, in a matter of so great moment. He apprehended that the question before the Committee was simply one of numbers. On that point he entirely concurred in the proposed reduction, and even wished it had been made still larger. The proper reason assigned for this reduction was, that a larger number of hands were being employed to do the work than was necessary. That was a sufficient reason. His hon. Friend the Member for Huntingdon (Mr. T. Baring) had stated that the reduction of the number would be a degradation of the Court. He could not see that, nor was that the question. The hon. Member for Guildford (Mr. Mangles) had raised the real question, when he said that it was whether the Court of Directors was to be considered as an executive or deliberative council. Their duties were those of administrative superintendence, and he could only regard the Court of Directors in the light of an executive council. He believed that, even with the reduction proposed, it would be the most numerous in the world. He did not deny that the mass of business was very great; but, unless he was much mistaken, one of the most important practical reforms required there, was the reduction of the amount that now came before it. The system of exercising a perpetual supervision over small matters of detail, was at present very much overdone. By diminishing the number of the Court, they would be paving the way for further reform, and he must therefore vote against the Amendment.

Mr. J. PHILLIMORE said, he thought the proposed reduction in the numbers of the Court of Directors a valuable feature of the Ministerial measure. Lord Grenville, and other statesmen whose authority on this question deservedly carried the greatest weight, had declared their conviction that the present system of Indian Government was radically vicious. He believed that the Government measure, however imperfect, had a tendency to produce the same effects which the great statesmen of former days laboured to bring about; and he should therefore give his support to the right hon. Gentleman the President of the Board of Control.

Sir ROBERT H. INGLIS said, the arguments brought forward in support of the reduction from twenty-four to eighteen, went to show that the Court would be equally efficient if it consisted of but a single member. The question was whether they should or should not continue something like the present executive government. It was for those who proposed a change to prove that the present number was greater than the exigencies of the service required. The testimony of the hon. Baronet the Member for Honiton (Sir J. W. Hogg), and the hon. Member for Huntingdon (Mr. T. Baring), was quite sufficient to convince them that the division of business amongst the twenty-four Directors would still leave more than enough for each individual member of the Court adequately to discharge. If India was not represented by twenty-four Directors, what chance was there of its being represented by eighteen? He should give his cordial support to the Amendment of his noble Friend (Viscount Jocelyn.)

Mr. MONCKTON MILNES said, he apprehended that the proposed change might have effects on the constitution of the Court beyound what was anticipated. It was agreed on all hands that it was indispensable to have men of extensive information and practical experience, acquainted both with England and India, in the Court of Directors, and if they could get enough of such men to fill up the present complement of that body, he saw no good reason for reducing the number. He should therefore vote for the Amendment.

Mr. RICH said, he considered that the Court of Directors and the proprietors of East India Stock had shown no desire to make a knowledge of the affairs of India the test of fitness of candidates for seats at the Board. At the very last election they had elected a young and inexperienced man in preference to a gentleman of long and distinguished services in India.

Sir HERBERT MADDOCK said, he could not imagine that the number of eighteen, as proposed by the Government to constitute the future Court of Directors, would be found inefficient. It had been said that the Court of Directors initiated all the business of the Indian Government; but the fact had been shown that they did not initiate any of the business, but that it all came from India, and was then considered by the Chairman and Deputy Chairman of the Court of Directors, with the President of the Board of Control. It was a fallacy, therefore, to say that the business was initiated by the Court; everything was done by the Chairman and Deputy Chairman, with the President of the Board of Control. There was no validity in the existence of any power in the Court of Directors; they were constrained in all their proceedings, and it was impossible they could exercise any efficient control. Such being the case, why should their numbers be so unnecessarily large? He should have considered, unless they gave the Court more important functions, that a less number than even eighteen would be quite sufficient for all practical purposes.

Mr. JOHN MACGREGOR thought this a change in the right direction, and he should give his utmost support to carry out the Bill as introduced by the Government.

Mr. NEWDEGATE said, he was astonished at the inconsistency of hon. Gentlemen opposite, who, while they pretended to be the supporters of constitutional and responsible government for the colonies, and professed their horror of despotism, were now about to break down the only system of representation that interposed between the people of India, and the despotic and practically irresponsible authority of the Governor General. Such was the position occupied by the Court of Directors; and yet the system thus established was about to be broken down, without one tittle of evidence that it had failed, or that the number of the Court was too great for the discharge of the functions confided to them. The effect of the clause would be to diminish the independence of the Court of Directors by one-half. For it was proposed, first, to reduce their number from twenty-four to eighteen, and then to make six of the latter number nominees of the Crown. It was useless to pretend that the House of Commons could interpese between the people for India and the Governor General; for the House had already more than it could do without attempting to govern India in detail, a task for which the House was totally unfit. He should support the Amendment.

Mr. OTWAY said, that this question had been argued as if some injustice was about to be inflicted upon the Court of Directors by the reduction of their number from twenty-four to eighteen. It seemed, however, to have been altogether forgotten that the Court would cease altogether in 1854, unless it were continued by an Act of the Legislature. If they were to be continued then, surely the President of the Board of Control was justified in fixing upon the number of members which he deemed most likely to form an efficient body; and believing, as he (Mr. Otway) did, that eighteen members were more likely to do so than twenty-four, he should vote against the Amendment.

Question put, "That the blank be filled up with eighteen."

The Committee *divided:*—Ayes 186; Noes 85: Majority 101.

House resumed; Committee report progress.

CUSTOMS, ETC., ACTS—(ISLE OF MAN).

House in Committee.

Mr. J. WILSON moved the adoption from and after the 5th day of July, 1853, of the new scale of Customs Duties on goods imported into the Isle of Man, of which he had given notice.

Sir JOSHUA WALMSLEY said, that a strong feeling of opposition existed in the island to the new Resolutions. He proposed that the consideration of the Resolutions should be postponed.

Mr. J. WILSON said, he could assure the House that the object of the Government in making the changes now proposed was to relieve the Isle of Man from the objectionable system of licences, and to allow the inhabitants of the island to import freely and without restriction any article which they might require. The object was not to increase the revenue. He sent the minute of the changes proposed to the Lieutenant Governor, who summoned the House of Keys. The House of Keys met on the 20th of June. They objected to some items of the proposed tariff, and approved of others; but they offered no opposition to the incorporation of these Resolutions into a Consolidated Customs Act. If, however, it should appear that objections were taken to such incorporation, he had no wish to press it, and the Resolutions might be passed in a distinct shape. The people of the island seemed to be agreed that the licensing system ought to be abolished. The Government were about to confer a great boon upon the island by the proposed method of dealing with Customs Duties. For the first time the Isle of Man would have the privilege of the coasting trade of England and Ireland. They would, indeed, enjoy all the privileges of the United Kingdom, both with respect to the export and import trade. A great many applications had been made to the Treasury to appropriate the sums raised by the proposed Customs Duties to the repair of the harbours of the island; and he did not anticipate any very great addition to the revenue. He must certainly remark that some opposition had been made to the proposed measure by persons holding licences, and who had come to London; but it was his opinion that the increase of trade produced by the new system would be more advantageous even to those persons than to continue the inconvenient licensing system.

Lord STANLEY wished to understand whether an objection was taken to the substitution of the Customs Duties, or to the manner in which the measure was produced as part of a general measure, and not of a separate nature.

Mr. J. WILSON: The Governor in Council and the House of Keys were agreed that a fair increase in the duties was acceptable; but, he was bound to say, that there were some persons who contended that no increase was necessary. He was advised, however, by the best authorities, that there was no very great objection to a fair increase.

Mr. G. A. HAMILTON said, he could confirm the statement of the hon. Gentleman as to the applications to the Treasury to repair the harbours. It was to be remembered that the Isle of Man was not represented in that House, and, therefore, in legislating for it great caution ought to be exercised, and consideration shown for the opinions of the people of that country. With regard to the manner of the change, he had seen a letter dated the 7th June, in which it was stated that the Bill should be submitted to the Governor in Council and the House of Keys before it was brought under the consideration of Parliament. He understood that the change of this proposal from a distinct measure to part of a general Customs Act had not yet been submitted to them. [Mr. J. Wilson: Yes it has.] Well, it had only been done very lately, and the

House ought not, he thought, to proceed any further in the matter until time had been afforded to the authorities of the island for considering the proposal, and until they had an opportunity of expressing an opinion. He believed that in many respects the changes proposed would prove to be very advantageous to the island; but he thought that, under the circumstances the best course would be to defer further consideration to a future period. He was informed that in the course of a few days petitions would be presented to the House, from which the opinions of the inhabitants on the subject might be gathered, and surely the question was not of such a pressing nature as to require an immediate decision. He hoped that the Government would consent to postpone the consideration of the measure for a few days.

MR. J. WILSON said, that when it was intended to propose a separate measure, a Treasury minute had been submitted to the House of Keys, embodying the whole, or nearly so, of the present proposal. The reason why he asked the House to agree to the Resolution at present was, that the licences had expired, and the Lieutenant Governor had not issued any new ones; and, under these circumstances, he had thought it better to ask the House to agree at once to the Resolutions.

SIR JOSHUA WALMSLEY said, he was prepared to show that the statements of the hon. Gentleman the Secretary to the Treasury were most of them totally at variance with the facts of the case; and he felt bound to say the course pursued, in reference to increased duties, and placing the Isle of Man, as far as its fiscal regulations were concerned, within the scope of the Customs Acts of this country, were infractions on the constitutional rights of the Manx people. This was the first time such an attempt had been made, and it was in direct contravention of the laws and privileges of the people; and, according to their laws, could not be without their consent. It had been said that the Crown had purchased the lords' rights of the Isle of Man; but these rights consisted not of a right to tax, but of certain land revenues, and the Crown could not purchase what the lords had not power to sell. This appeared to him an attempt to accomplish by a side wind that which they lacked boldness openly to declare. The Secretary to the Treasury stated that the consent of the Manx people had virtually been obtained; but he omitted to state where or from whom. The only party who could legally become the consenting party was the local Legislature, which had repudiated his statement, and, by their petition presented this day, declared their unwillingness to consent to the present propositions. Much stress had been laid upon the desirableness of abolishing the present system of licences: to this there was no objection, and so far the House of Keys were consenting parties; but here their concurrence ended: they did not see any valid reason for an increase of 60 to 100 per cent duties on some of the principal articles of importation, neither did they see why their surplus revenue should be taken for imperial purposes, or that they should be included in the Customs Acts of this country, contrary to all former precedent. It was intimated that if the licences were removed, and free importation allowed, it might encourage smuggling; but it should be borne in mind that the Manx people had not availed themselves of the full quantities allowed to be imported for their own consumption, consequently, such a plea could not be sustained. The Secretary of the Treasury himself had admitted that, so far as brandy and tobacco were concerned, such was the fact, and these were the only two articles likely to be smuggled. Unfortunately he went further, and said there was no other article that the full quantity allowed for the consumption of the inhabitants had not been exhausted: here again he had fallen into error; of the article of rum there were 14,000 gallons less imported than allowed by licence. The hon. Gentleman said he only proposed a small increase on the import duties; what did the House think of a small increase from 1*s.* 6*d.* to 3*s.* 8*d.* per gallon on rum, from 4*s.* 6*d.* to 6*s.* on brandy and geneva, and on tobacco from 1*s.* 6*d.* to 4*s.* 9*d.* per pound? Again, the hon. Gentleman endeavoured to throw discredit on the petition which he (Sir J. Walmsley) had that day presented from the House of Keys, protesting against his misstatements. He assumed not to have any knowledge of the parties; he did or ought to know something of them, seeing that he had, either directly or indirectly, corresponded with one of them as the official organ of the House of Keys, and the other as a Member of that House, and a man of station and property in the island. Previous to expressing a doubt as to who they were, he should have ascertained the fact, which he might have done from the noble Lord the Secretary for the Home Department, to whom they were accredited. He (Sir J. Walmsley) had to apologise to the House for occupying so much time at that late hour; but he felt bound to rebut the assertions of the hon. Gentleman where to him they appeared incorrect, and to endeavour to place this question in its true light. He did not offer any opinion whether the present scale of duties was too low, or the proposed ones too high; nor did he desire to express any opinion as to whether the present relations of the Isle of Man to this country were what they ought to be. The present question was a totally different one; and was simply, were we justified in setting at naught the laws of the Isle of Man, and taxing the people without their consent, and without due notice of such intention? He believed it to be adverse to every principle of right dealing, and he could not consent to such a course of procedure without a protest. The Gentleman deputed to confer with the Government, on behalf of the authorities on the Island were prepared to meet every reasonable requirement consistent with their duty to their constituents, and that due consideration might be given to the case, he begged to move that the Chairman report progress.

LORD JOHN MANNERS said, he thought they should follow precedent, and consult the House of Keys before this Bill was introduced. The Committee would be ill advised if they proceeded without the consent of the authorities of the Island.

MR. J. WILSON said, he believed he was doing nothing which had not received the consent of the authorities; but as he was informed the House of Keys was likely to communicate with the Government on the subject, he would not proceed with the vote at present.

House resumed; Committee report progress.

The House adjourned at half after One o'clock till *Monday* next.

PROTEST.

The following is the PROTEST *of* LORD MONTEAGLE, *against the Third Reading of the* EXCISE DUTIES ON SPIRITS BILL, *July* 4, 1853, *page* 1161.

DISSENTIENT—

Because the increased duty upon Irish spirits imposed by this Bill is contrary to the reason of the case, contrary to the highest authorities which have considered and reported on the question, and contrary to the experience of the last thirty years. It is against the reason of the case:

Because the low price of grain in Ireland, the abundance of fuel, the cheapness of the utensils used for illicit distillation, and the profit which can be realised by the smuggler, create motives to violate the law which have not been counteracted even by the severe injustice of the still-fine system and the employment of the troops, which dangerously affected military discipline, without suppressing frauds upon the revenue.—The increased duty upon Irish spirits is in contradiction to the highest authorities:

Because the Revenue Commission issued by the late Lord Liverpool's Government, and over which Lord Wallace presided, reported after full inquiry, "That if a higher duty than from 2*s.* 6*d.* to 3*s.* was put upon Irish spirits the licensed distiller could not enter into competition successfully with the illicit distiller;" and the Commissioners, therefore, recommended a reduction to that amount.

Because this opinion was confirmed by the Report of Sir Henry Parnell's Excise Commission, after a further experience of ten years. "There is a complete concurrence of opinion," it is stated in the Report, "that the practice of illicit distillation has almost uniformly kept pace with the advance of duty; that in 1823, when the great reduction of duty took place, the habits of the smuggler were nearly annihilated, and that the renewal and subsequent increase of these practices had been contemporaneous with the consecutive increases of duty in 1826 and 1830." The Commissioners proceed to express "their firm conviction of the necessity of retracing the steps taken in increasing the spirit duties, anticipating, from the reduction of duty, a general suppression of illicit distillation and a full compensation to the revenue."

Because the opinion thus given by eminent and impartial men, freed from political or party bias, has been confirmed by Members of successive Governments, acting under immediate Parliamentary responsibility—Lord Spencer, in proposing a reduction of the duty imposed in 1830, having stated, "That the Government in which he acted as Chancellor of the Exchequer had felt it their duty to consider the question with a view of ascertaining whether it might not be advisable by a diminution of duty to prevent illicit distillation, without exposing the revenue to much loss, while in future years the revenue would suffer no loss whatever."

Mr. Goulburn, in 1840, when resisting a proposal for augmenting the spirit duties to an amount 50 per cent below what is proposed by the present Bill, stated in like manner, that "he believed it had been established that, in proportion to the reduction of duty which had taken place, the amount of duty paid had augmented, and that the effect of increasing the duty had been to diminish consumption, and, consequently, to diminish revenue." With still greater authority, as Chancellor of the Exchequer, in 1843, when proposing the repeal of an increased spirit duty, adopted on his own suggestion the previous year, the same statesman, referring to his original belief that, "with the means of prevention at the command of the Government, no great increase of illicit distillation would have taken place," admitted, likewise, "that the additional duty had led to a progressive increase of offences against the revenue, and that, on the ground of this increased immorality, he felt bound to recommend a repeal of the additional duty on Irish spirits."

Because these opinions, given by judicial officers, as well as by practical politicians, are confirmed by experience and the statistics of the case—the reduction of duty made in 1823 having increased the amount of duty-paid spirits from 3,300,000 gallons to 6,690,000 gallons, and the reduction of 1834 having in like manner produced a rise from 8,000,000 to 12,000,000; while the additional duty imposed in 1842 had acted in a contrary manner to the extent of 1,100,000 gallons, shown in a diminished receipt of revenue to the Treasury in a case where an augmentation of 250,000*l.* had been anticipated by the Government.

Because, in addition to these financial considerations, the increase of crime has been uniformly found to be the result of an increase of duty, the additional charge of 1*s.* imposed in 1842 having, within a single year, produced the following calamitous consequences:—

Increase of detections from .	942 to 2,805
Increase of prosecutions from .	331 to 1,239
Increase of convictions from .	244 to 803
Increase of prisoners in gaol (April 5) from	84 to 368

Because the demoralisation accompanying so extensive a violation of the law was the more fatal when the smugglers thus convicted and imprisoned were necessarily brought into contact with convicts guilty of moral offences of a much deeper dye, and when it appears that in the county gaols of Leitrim, Donegal, and Mayo, provided with single cells for the reception of 79, 85, and 128 prisoners, 52, 57, and 76 prisoners have been confined at the same time for breaches of the revenue laws.

Because, while, as in 1830, the increased duty on Irish spirits was imposed and vindicated as a consequence of the repeal of the oppressive window tax, and while in 1842 it was adopted as a substitute for a duty on income, on the present occasion it is combined both with an income tax and with a tax upon successions, pressing with peculiar force on Ireland, which is now only recovering from the effect of a famine unexampled in modern times, whereby in one single year an actual loss of 16,000,000*l.* accrued on a rated valuation of 13,000,000*l.*—a calamity which renders it the duty of the State to foster and encourage all the means of productive industry and improvement, and to avoid whatever may tend to create a disregard or violation of the law.

MONTEAGLE OF BRANDON.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXVIII.

SIXTH VOLUME OF SESSION 1852–1853.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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